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## PART I

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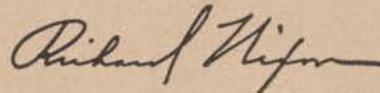
### EXECUTIVE ORDER 11683

**Revoking Executive Order No. 11677 of August 1, 1972, and Continuing in Effect Executive Order No. 11533 of June 4, 1970, Relating to the Administration of Export Controls**

By virtue of the authority vested in the President by the Constitution and statutes of the United States, including the statutes referred to herein, it is hereby ordered:

SECTION 1. Executive Order No. 11677<sup>1</sup> of August 1, 1972, issued under the authority of the act of October 6, 1917, as amended (12 U.S.C. 95a), is hereby revoked, except that this revocation shall not affect any violation of any rules, regulations, orders, licenses, and other forms of administrative action under said order which occurred during the period said order was in effect.

SEC. 2. Pursuant to the Equal Export Opportunity Act, effective as of the close of July 31, 1972, Executive Order No. 11533<sup>2</sup> of June 4, 1970, and all delegations, redelegations, rules, regulations, orders, licenses, and other forms of administrative action under said order which were in effect on July 31, 1972, and which have not been revoked administratively or legislatively, are continued and shall be in full force and effect until amended, modified, or terminated by proper authority.



THE WHITE HOUSE,  
August 29, 1972.

[FR Doc.72-15015 Filed 8-30-72;2:44 pm]

<sup>1</sup> 37 F.R. 15483.

<sup>2</sup> 35 F.R. 8799; 3 CFR, 1970 Comp., p. 134.



# Rules and Regulations

## Title 1—GENERAL PROVISIONS

### Chapter I—Administrative Committee of the Federal Register

#### CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes of the Code of Federal Regulations. The rate for subscription service to all revised volumes issued as of January 1, 1972, is \$195 domestic, \$50 additional for foreign mailing. The subscription price for revised volumes to be issued as of January 1, 1973, will be \$200 domestic, \$50 additional for foreign mailing.

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9	1.75
10	.50
11	3.00
12	2.75
13	1.25
14	3.00
Parts:	
1-59	2.75
60-199	3.25
200-end	2.00
15	2.00

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16	2.00
Parts:	
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17	2.75
18	2.00
Parts:	
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150-end	2.00
19	2.75
20	1.25
Parts:	
01-399	3.00
400-end	1.75
21	1.75
Parts:	
1-119	1.50
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24	3.25
25	1.75
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27	1.00
28	1.75
29	3.00
Parts:	
0-499	4.00
500-899	4.00
900-end	2.75
30	2.50
31	3.50
Parts:	
1-8	2.50
9-39	2.75
40-399	2.50
400-589	2.50
590-699	3.50
700-799	2.00
800-999	.75
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1400-1599	1.00
1600-end	1.50
32A	1.50
33	2.50
Parts:	
1-199	1.75
200-end	1.75
34	1.75
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35	.70
36	3.50
37	2.00
38	1.75
39	1.75
40	1.75

Title	Price
41	2.75
Parts:	
1-2	2.00
3-5D	3.75
6-17	3.75
18	1.25
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101-end	1.75
42	1.50
43	2.75
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1-999	2.75
1000-end	.35
44	2.00
45	2.00
Parts:	
1-199	2.75
200-end	2.75
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Parts:	
1-65	2.75
66-145	3.75
146-149	2.75
150-199	3.00
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## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

#### Department of the Navy

Section 213.3108 is amended to show that five temporary positions of Liaison Scientist, GS-13/15, in the office of Naval Research Branch Office in Japan, are excepted under Schedule A when filled by research scientists who have specialized experience in scientific disciplines of current interests to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An initial appointment under this authority is limited to 2 years but total employment under the authority may last as long as 3 years with the Commission's approval.

Effective on publication in the FEDERAL REGISTER (9-1-72), paragraph (g) is added to § 213.3108 as set out below.

## § 213.3108 Department of the Navy.

(g) *Office of Naval Research.* (1) Not to exceed 5 positions of Liaison Scientist, GS-13/15, in the office of Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of the Commission, total employment under this authority may be for as long as 3 years.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.72-14927 Filed 8-31-72;8:51 am]

## PART 213—EXCEPTED SERVICE

## U.S. Tariff Commission

Section 213.3339 is amended to show that one position of Administrative Assistant to the Chairman is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (9-1-72), § 213.3339(b) is added as set out below.

## § 213.3339 U.S. Tariff Commission.

(b) One Administrative Assistant to the Chairman.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.72-14925 Filed 8-31-72;8:51 am]

## PART 213—EXCEPTED SERVICE ACTION

Section 213.3359 is amended to reflect the following title change: From Chauffeur to the Director to Confidential Aide to the Director.

Effective on publication in the FEDERAL REGISTER (9-1-72), paragraph (b) is amended and paragraph (g) is added to § 213.3359 as set out below.

## § 213.3359 ACTION.

(b) One Chauffeur to the Director.

(g) One Confidential Aide to the Director.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.72-14926 Filed 8-31-72;8:51 am]

## Title 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

## PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

## Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627) the U.S. Department of Agriculture hereby amends the regulations governing the voluntary inspection and grading of egg products (7 CFR Part 55).

*Statement of considerations.* On August 3, 1972, a rule making proposal was published in the FEDERAL REGISTER (37 F.R. 15517) that would require the same provisions with respect to formulation and labeling for the voluntary egg products program (Part 55) as now required for the mandatory program (Part 59). Only one comment was received. After careful consideration of the comment the Department has decided to promulgate the amendments as proposed.

The amendments are as follows:

1. In § 55.2 a new definition is added after the definition of "Department" to read:

## § 55.2 Terms defined.

"Eggs of Current Production" means shell eggs which have moved through the usual marketing channels since the time they were laid and are not in excess of 60 days old.

2. Section 55.300 is amended to read:

## § 55.300 Approval of official identification.

(a) No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless it is approved by the Administrator in accordance with paragraph (b) of this section. If the label is printed on or otherwise applied directly to the container or packaging material the principal display panel thereof shall be considered as the label.

(b) No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printers' or other final proof has been approved by the Administrator in accordance with the regulations in this part, the Egg Products Inspection Act, the Federal Food, Drug, and Cosmetic Act, and the Fair Packaging and Labeling Act. The finished copies or samples of such label must be submitted to the Administrator for approval. Copies of each label submitted for approval shall be accompanied by:

(1) A statement showing by their common or usual names the kinds and percentages of the ingredients comprising the product in the form in which it is to be used (i.e., liquid or dried). Approximate percentages (range) may be given in cases where the percentages may vary from time to time.

(2) When required, scientific data demonstrating that the substance or mixture is safe and effective for its intended use and does not promote deception or cause the product to be otherwise adulterated or misbranded.

(c) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions. When water (excluding that used to reconstitute dehydrated ingredients back to their normal composition) is added to a liquid or frozen product or to an ingredient of such products (in excess of the normal water content of that ingredient), the total amount of water added, including the water content of any cellulose or vegetable gums used, shall be expressed as a percentage of the total product volume in the ingredient statement on the label;

(2) The name, address, and ZIP code of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for", "distributed by", or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Products containing edible shell eggs of other than current production or other egg products produced from shell eggs of other than current production shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Contains eggs of other than current production";

(7) Products containing edible shell eggs of the turkey, duck, goose, or guinea, or containing egg products produced from such edible shell eggs shall be clearly and distinctly labeled as to the common or usual name of the product including the type of eggs or egg products used in the product, e.g., "Containing turkey eggs", "Containing chicken

and turkey eggs". Products labeled without qualifying words as to the type of shell egg used in the products, shall contain only edible shell eggs of the domesticated chicken or the product of such eggs.

(d) When egg products identified as whole eggs and prepared other than in natural proportions are added to products, the egg products added shall have a total egg solids content of 24.70 percent or greater.

(e) If the Administrator has reason to believe that the statement on formulation shows the product to be adulterated or misbranded or that any labeling, or the size or form of any container in use or proposed for use in respect to products at any official plant is false or misleading in any way, he may direct that such use be withheld unless the labeling or container is modified in such a manner as he may prescribe so that it will not be false or misleading, and/or the formulation of the product is altered in such a manner that he may prescribe so that it is not adulterated or would not cause misbranding.

Issued at Washington, D.C., this 29th day of August 1972, to become effective October 16, 1972.

E. L. PETERSON,  
Administrator,  
Agricultural Marketing Service.

[FR Doc.72-14971 Filed 8-31-72;8:55 am]

**PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)**

**Subpart B—Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States**

**ELIMINATION OF LINTERS FACTOR**

On August 11, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 16198) regarding a proposal to amend § 61.102 of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States (7 CFR 61.102). The proposal was to eliminate linters as a factor in the determination of grades of cottonseed under the standards.

*Statement of considerations.* Under the standards for grades of cottonseed now in effect both a quality index and a quantity index are used in determining grades. The quantity index is a measure of the amount of oil, linters, and protein, available from the seed.

The linters factor in the standards reflects the value in the cottonseed attributable to the linters content of the cottonseed. Linters were added to the factors for determining the quantity index in the early 1950's. At that time the relative value of linters compared to the other products (oil and protein) available from cottonseed was high enough to warrant inclusion of linters as a factor

in grading. The price of linters has now declined to the point where the relative weight assigned to the linters factor in the quantity index formula is of little significance in determining the grade and resulting value of cottonseed.

Other considerations leading to the proposal to eliminate linters as a factor in the standards for grades are:

1. The linters determination adds to the cost of grading cottonseed as the present cost for a linters determination is about \$1 per sample.

2. Cottonseed crushers in many cotton-producing States have always been opposed to the linters factor in the standards and this has discouraged official grading of cottonseed in these States.

No data, views, or arguments, were received in response to the notice of proposed rule making. After considering all relevant matters including the proposal in the aforesaid notice and pursuant to the authority contained in the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) § 61.102 is amended to read as follows:

**§ 61.102 Determination of quantity index.**

The quantity index of cottonseed shall equal four times (percentage of oil) plus six times (percentage of ammonia), plus five.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

It is hereby found that good cause exists for making this amendment effective less than 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553), in that:

(1) The marketing season for cottonseed for crushing purposes is already underway in the early cotton production areas and it is imperative that the amendment be effective as soon as possible.

(2) No extensive preparation by users of the standards is required.

*Effective date.* This amendment shall become effective September 4, 1972.

Dated: August 29, 1972.

E. L. PETERSON,  
Administrator,  
Agricultural Marketing Service.

[FR Doc.72-14972 Filed 8-31-72;8:55 am]

**Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture**

[Valencia Orange Reg. 407]

**PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

**Limitation of Handling**

**§ 908.707 Valencia Orange Regulation 407.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908),

regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 29, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 1, 1972, through September 7, 1972, are hereby fixed as follows:

- (i) District 1: 318,000 cartons;
- (ii) District 2: 332,000 cartons;
- (iii) District 3: 20,000 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 30, 1972.

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc.72-15005 Filed 8-30-72; 12:35 pm]

## PART 918—FRESH PEACHES GROWN IN GEORGIA

### Handling and Shipment Limitations

On August 12, 1972, notice was published in the FEDERAL REGISTER (37 F.R. 16407) that the Department was considering issuance of rules and regulations (Subpart—Industry Committee Regulations; 7 CFR 918.100-918.131), as hereinafter set forth, pursuant to § 918.60(c) and other applicable provisions of the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in Georgia. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This notice allowed interested persons 15 days during which they could submit written data, views, or arguments, pertaining to the proposal. None were submitted. The amendment is designed to establish safeguards pursuant to § 918.60(c), to prevent new containers of bulk peaches which fail to meet requirements for shipment to markets other than the adjacent markets issued under § 918.60(b), from being shipped to nonadjacent markets. Until recently, ungraded peaches shipped in bulk to adjacent markets were packed in used containers, which were readily distinguishable from peaches packed for shipment to nonadjacent markets. Recently, ungraded peaches for shipment to adjacent markets have been packed in new Duall and similar containers. These new handling and packaging practices make it relatively simple to divert ungraded peaches meeting only the adjacent markets requirements to the nonadjacent markets. The safeguards hereinafter set forth are designed to prevent the diversion of such peaches from the adjacent markets to the nonadjacent markets.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was submitted by the Industry Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Said rules and regulations are

amended by designating as paragraph (a) the language immediately under § 918.130, redesignating the current paragraphs (a), (b), (c), (d), (e), (f), and (g), of such section as subparagraphs (1), (2), (3), (4), (5), (6), and (7), respectively, and adding a new paragraph (b) to such section, reading as follows:

### § 918.130 Peaches shipped to adjacent markets.

(a) Each handler who ships adjacent market peaches shall report daily to the Industry Committee, in such manner and on forms as prescribed by that committee, the following information with respect to each such shipment: *Provided*, That such reports shall not be required on shipments of adjacent market peaches which are exempt from inspection pursuant to § 918.64:

(1) Name and address of the handler; and date;

(2) Originating point;

(3) Destination in adjacent markets;

(4) Truck license number, trailer license number, or other identification of the conveyance in which shipment was made;

(5) Number of bushels so shipped;

(6) The number of the inspection certificate or memorandum issued with respect to the shipment; and

(7) A certification that the information is complete and accurate.

(b) Each handler who ships, in new containers, adjacent market peaches which do not meet the current regulations for nonadjacent markets issued pursuant to § 918.60(b) shall (1) stamp or print on the ends or sides of such containers in letters not less than one-half inch in height "For Sale In Adjacent Markets Only", along with the handler's name and address; and (2) have such fruit so shipped inspected as provided in § 918.64.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated August 29, 1972, to become effective October 15, 1972.

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc.72-14970 Filed 8-31-72; 8:50 am]

## PART 932—OLIVES GROWN IN CALIFORNIA

### Subpart—Rules and Regulations

#### LIMITATION OF HANDLING

Notice was published in the FEDERAL REGISTER issue of August 19, 1972 (37 F.R. 16806), that the Department was giving consideration to a proposed amendment of § 932.109 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108-932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, hereinafter referred to collectively as the

"order." This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment to said rules and regulations was unanimously proposed by the Olive Administrative Committee, established under the said marketing agreement and order as the agency to administer the terms and provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

The current provisions of § 932.109 contain a definition of "canned ripe olives of the tree-ripened type" and a termination date of August 31, 1972. The amendment will extend the provisions of the definition indefinitely. Inclusion of the definition in the rules and regulations arises from the fact that lots or sublots of natural condition olives for use as canned ripe olives of the tree-ripened type, and the packaged olives of such type, are exempt from incoming and outgoing regulation under the order if such olives are handled in accordance with the procedures specified by the order. However, the United States Standards for Grades of Canned Ripe Olives currently contain no specifications for canned ripe olives of the tree-ripened type, and the order does not contain a definition for olives of such type. The committee has reviewed order operations under the existing definition during the past two crop years and has concluded that without continuation of the definition as a basis for application of order provisions it would be possible for handlers to market, as canned ripe olives of the tree-ripened type, olives of the regulated canned ripe type which fail to meet the applicable regulatory requirements. Inasmuch as there has been no change in the terms or provisions of the definition since its inception, the committee saw no need for limiting, to a single crop year, the applicability of the existing definition. Furthermore, the committee may recommend a change in the definition at any time, should the need arise.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Therefore, the provisions of § 932.109 are amended to read as follows:

### § 932.109 Canned ripe olives of the tree-ripened type.

(a) "Canned ripe olives of the tree-ripened type" means packaged olives, not oxidized in processing, that are prepared from a lot of natural condition olives of advanced maturity which, at the time of delivery to the handler:

(1) Range in color from pinkish red, with some greenish cast, to black; and

(2) Have not more than 10 percent, by count, of "off-color" olives ("off-color" means those olives whose greenish cast

covers more than 50 percent of the surface of the individual olives).

It is hereby found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the definition of tree-ripened olives contained in this section is currently in effect and, unless extended by this amendment, the section will, by its provisions, terminate on August 31, 1972, (2) the handling of the 1972-73 crop of olives is expected to begin on or about September 1, 1972—the beginning of the crop year—and this amendment of the rules and regulations should be in effect on that date and thereafter to effectuate the declared policy of the act, (3) compliance with this amendment of the rules and regulations will require of handlers no preparation that cannot be completed by the effective time hereof, and (4) notice of proposed rule making concerning this definition, with an operative period as hereinafter specified, was published in the FEDERAL REGISTER as aforesaid, and no objection to the proposed amendment or the operative period was received.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated August 30, 1972, to become effective September 1, 1972.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FR Doc. 72-15038 Filed 8-30-72; 4:37 pm]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72-543]

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, a new paragraph (e) (7) relating to the State of Kentucky is added to read:

(e) \* \* \*

(7) *Kentucky.* The adjacent portions of Breckinridge and Hardin Counties comprised of all of the city of Garfield in Breckinridge County and the adjacent portions of Breckinridge and Hardin Counties bounded by a line beginning at the junction of U.S. Highway 60 and State Highway 333 in Breckinridge County; thence, following U.S. Highway 60 in a generally southwesterly direction to the eastern boundary of the city of Garfield; thence, following the eastern boundary of the city of Garfield in a southerly direction to Locust Hill Road; thence, following Locust Hill Road in a southeasterly then southwesterly direction to State Highway 1073; thence, following State Highway 1073 in a southeasterly direction to Fairfield Road; thence, following Fairfield Road in a southeasterly direction to State Highway 690; thence, following State Highway 690 in a northeasterly direction to Constantine Road; thence, following Constantine Road in a generally easterly direction to State Highway 401; thence, following State Highway 401 in a northeasterly direction to State Highway 86; thence, following State Highway 86 in a northeasterly direction to Grandview Church Road in Hardin County; thence, following Grandview Church Road in a northeasterly direction to State Highway 1073 in Breckinridge County; thence, following State Highway 1073 in a northeasterly direction to the junction of the Breckinridge-Hardin-Meade County lines; thence, following the Breckinridge-Meade County line in a northwesterly direction to State Highway 1238 in Breckinridge County; thence, following State Highway 1238 in a southwesterly direction to State Highway 333; thence, following State Highway 333 in a southwesterly then northwesterly direction to its junction with U.S. Highway 60.

2. In § 76.2, paragraph (e) (2) relating to the State of New Jersey is deleted.

3. In § 76.2, in paragraph (e) (4) relating to the State of Texas, subdivision (iii) is deleted and subdivision (i) is amended to read:

(i) That portion of the State of Texas comprised of all of Nueces County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 6210, as amended; 37 F.R. 6327, 6505)

*Effective date.* The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Breckinridge and Hardin Counties in Kentucky because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments exclude all of Webb, Dawson, and Terry Counties and portions of Mitchell and Nolan Counties in Texas and portions of Burlington and Ocean Counties in New Jersey from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in New Jersey remain under quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of August 1972.

G. H. WISE,  
Acting Administrator, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 72-14974 Filed 8-31-72; 8:50 am]

[Docket No. 72-544]

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, a new paragraph (e) (8) relating to the State of South Carolina is added to read:

(e) \* \* \*

(8) *South Carolina.* That portion of Anderson County bounded by a line beginning at the junction of U.S. Highway 29 and State Highway 29; thence, following State Highway 29 in a southeasterly direction to State Highway 81; thence, following State Highway 81 in a southeasterly direction to State Highway 267; thence, following State Highway 267 in a southwesterly direction to State Highway 205; thence, following State Highway 205 in a southeasterly direction to State Highway 70; thence, following State Highway 70 in a southwesterly direction to Bethany Church Road; thence, following the Bethany Church Road in a southwesterly direction to State Highway 107; thence, following State Highway 107 in a southwesterly direction to State Highway 185; thence, following State Highway 185 in a westerly then northerly direction to State Highway 28; thence following State Highway 28 in a northwesterly direction to State Highway 152; thence, following State Highway 152 in a northeasterly direction to State Highway 247; thence, following State Highway 247 in a northwesterly direction to U.S. Highway 29; thence, following U.S. Highway 29 in a generally northeasterly direction to its junction with State Highway 29.

2. In § 76.2, paragraph (e) (7) relating to the State of Kentucky is amended to read:

(e) \* \* \*

(7) *Kentucky.* (i) The adjacent portions of Breckinridge and Hardin Counties comprised of all of the city of Garfield in Breckinridge County and the adjacent portions of Breckinridge and Hardin Counties bounded by a line beginning at the junction of U.S. Highway 60 and State Highway 333 in Breckinridge County; thence, following U.S. Highway 60 in a generally southwesterly direction to the eastern boundary of the city of Garfield; thence, following the eastern boundary of the city of Garfield in a southerly direction to Locust Hill Road; thence, following Locust Hill Road in a southeasterly then southwesterly direction to State Highway 1073; thence, following State Highway 1073 in a southeasterly direction to Fairfield Road; thence, following Fairfield Road in a southeasterly direction to State Highway 690; thence, following State Highway 690 in a northeasterly direction to Constantine Road; thence, following Constantine Road in a generally easterly direction to State Highway 401; thence, following State Highway 401 in a northeasterly direction to State Highway 86; thence, following State Highway 86 in a northeasterly direction to Grandview Church Road in Hardin County; thence, following Grandview Church Road in a northeasterly direction to State Highway 1073 in Breckinridge County; thence, following State Highway 1073 in a northeasterly direction to the junction of the Breckinridge-Hardin-Meade County lines; thence, following the Breckinridge-Meade County line in a north-

westerly direction to State Highway 1238 in Breckinridge County, thence, following State Highway 1238 in a southwesterly direction to State Highway 333; thence, following State Highway 333 in a southwesterly then northwesterly direction to its junction with U.S. Highway 60.

(ii) The adjacent portions of Hardin and Larue Counties bounded by a line beginning at the junction of Interstate Highway 65 and State Highway 567 in Hardin County; thence, following State Highway 567 in a generally easterly direction to State Highway 1607; thence, following State Highway 1607 in a southerly direction to U.S. Highway 31E in Larue County; thence, following U.S. Highway 31E in a southwesterly direction to State Highway 1079; thence, following State Highway 1079 in a northwesterly direction to State Highway 357; thence, following State Highway 357 in a northerly direction to State Highway 224; thence, following State Highway 224 in a northwesterly direction to Interstate Highway 65 in Hardin County; thence, following Interstate Highway 65 in a northeasterly direction to its junction with State Highway 567.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

*Effective date.* The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Hardin and Larue Counties in Kentucky and a portion of Anderson County in South Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of August 1972.

G. H. WISE,  
Acting Administrator, Animal  
and Plant Health Inspection Service.

[FR Doc. 72-14975 Filed 8-31-72; 8:50 am]

## Title 12—BANKS AND BANKING

### Chapter V—Federal Home Loan Bank Board

#### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 72-1006]

### PART 526—LIMITATIONS ON RATE OF RETURN

#### Miscellaneous Amendments

AUGUST 28, 1972.

Resolved, that the Federal Home Loan Bank Board considers it advisable to amend Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) for the following purposes: (1) To clarify the rules relating to the payment and computation of earnings on savings accounts, and (2) to increase, from 2 percent to 3 percent of savings accounts, the limitation on certificate accounts of \$100,000 or more with a rate of return in excess of 6 percent per annum. Accordingly, on the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Part 526 as follows, effective September 1, 1972:

1. By adding a new paragraph (j) to § 526.1, to read as follows:

#### § 526.1 Definitions.

As used in this Part 526—

(j) *Supervisory Agent.* The term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the member institution is located or any other officer or employee of such bank designated by the Board as agent as provided by §§ 501.10 and 501.11 of this chapter.

2. By adding a new paragraph (g) to § 526.2, to read as follows:

#### § 526.2 Maximum rate of return.

(g) *Calculation of earnings.* In calculating the earnings on a savings account, the time factor should be expressed as a fraction in which the actual number of days the funds in the account earn a return is the numerator, and the denominator is either 365, or, in a leap year, 366. When an account matures in multiples of 1 month, the member institution may use the corresponding multiple of 30 days as the numerator. A member institution may also use a time factor of 360/360, but may not use a time factor of 365/360 unless the Supervisory Agent determines that the institution would otherwise suffer a competitive disadvantage with other types of financial institutions in its savings service area.

3. By revising paragraph (b) of § 526.5-1, to read as follows:

**§ 526.5-1 Maximum rate of return payable on certificate accounts of \$100,000 or more.**

(b) *Percentage limitation.* No member institution may pay a return at a rate in excess of 6 percent per annum on a certificate account of \$100,000 or more if, as a result of the issuance of such certificate account, the total amount of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 6 percent per annum, would exceed 3 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest that the amendments become effective without such delay, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board also finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereby would likewise be contrary to the public interest; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,  
*Secretary.*  
[FR Doc.72-14985 Filed 8-31-72; 8:51 am]

**SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM**

[No. 72-1007]

**PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION  
Corporate Title of Federal Savings and Loan Associations**

AUGUST 29, 1972.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 543.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 543.1) for the purpose of modifying the provision contained therein prohibiting use of the name of a State in the corporate title of a Federal savings and loan association. Accordingly, the Federal Home Loan Bank Board hereby amends said § 543.1 by revising it to read as follows, effective September 1, 1972:

**§ 543.1 Corporate title.**

The full corporate title of each Federal association shall include the words "Fed-

eral Savings and Loan Association," which shall be preceded by a suitable descriptive word or words and may be followed by the words "of \_\_\_\_\_" indicating location. If the corporate title includes the name of a State, the title must also include the name of the place in the State at which the home office of the association is located, unless the offices of the association are located in various areas of the State (or a portion of the State in case the corporate title refers to such portion) so as to create a clear need, in the Board's judgment, for the association to use the name of the State (or portion thereof) alone without reference to such place. The Board shall have the right to deny any requested corporate title if, in the Board's judgment, such title is inappropriate or is not suitable.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,  
*Secretary.*  
[FR Doc.72-14984 Filed 8-31-72; 8:51 am]

**Chapter VII—National Credit Union Administration**

**PART 710—VOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS**

**Procedures**

On pages 11351-11352 of the May 31, 1972 edition of the FEDERAL REGISTER, there was published a proposed revision of certain sections of Part 710 (12 CFR Part 710).

After consideration of all such relevant matter as was presented by interested persons, the regulation as so proposed is hereby adopted subject to the changes listed below.

It should be noted that those sections of Part 710 (12 CFR Part 710) which were not included in the proposed revision remain in full force and effect.

1. In § 710.1, line 11, after "be", delete the words "received by" and insert "handed to".

2. In § 710.1, line 12, after "meeting", insert the following: "or mailed to each member at his last known address not less than 10 days before such meeting".

3. In § 710.1, after line 25, add a new sentence which reads as set forth below.

4. In § 710.3(a), line 22, following the period after "permanently", add a new

sentence which reads as set forth below.

5. In § 710.3(b), line 16, following the comma, add "deposits in central credit unions."

6. Following § 710.3(b), add a new paragraph (c) as set forth below.

7. In § 710.4, line 3, after "liquidation", insert the following: "and in accordance with the provisions of § 710.1 of this part."

8. In § 710.6, line 1, change "10" to "20".

9. In § 710.9, line 24, correct spelling of "aduits" to "audits".

10. In § 710.10, line 1, delete "When" and insert the following: "After obtaining the necessary approval of a majority of the members and after".

11. In § 710.10, line 7, change "amounts" to "shares".

*Effective date.* This regulation is effective September 25, 1972.

HERMAN NICKERSON, JR.,  
*Administrator.*

AUGUST 25, 1972.

1. The second sentence of § 710.1 is revised. Section 710.1, as revised, reads as follows:

**§ 710.1 Approval of liquidation.**

A Federal credit union may go into voluntary liquidation on approval of a majority of its members in writing or by a vote in favor of such liquidation by a majority of the members of the credit union at a regular meeting of the members or at a special meeting called for that purpose. Where authorization for liquidation is to be obtained at a meeting of members, notice in writing must be handed to each member at least 7 days before such meeting or mailed to each member at his last known address not less than 10 days before such meeting and the minutes of the meeting shall show the number of members present and the number that voted for and against liquidation. If approval by a majority of all members is not obtained at the meeting of members, authorization for voluntary liquidation may be obtained by having a majority of members sign a statement in substantially the following form:

We the undersigned members of the \_\_\_\_\_ Federal Credit Union, Charter No. \_\_\_\_\_, hereby request the dissolution of our credit union.

If approval by a majority of all members is not obtained within 90 days of the decision by the board to seek such approval, the board shall reopen the credit union in accordance with the provisions of § 710.2, or the credit union may be placed into involuntary liquidation by the Administrator.

2. A new sentence is added at the end of § 710.2. Section 710.2, as revised, reads as follows:

**§ 710.2 Notice of liquidation to National Credit Union Administration.**

Within 10 days after the decision of the board of directors to submit the question of liquidation to the members, the president shall notify the regional director thereof in writing, setting forth in

detail the reasons for the proposed action. Within 10 days after the action of the members on the question of liquidation, the president shall notify the regional director in writing as to whether or not a majority of the members approved the proposed liquidation. If a majority of the members has not authorized the liquidation and the board decides that the credit union should resume operations, the board may rescind its original resolution to present the question of liquidation to the members; but the board shall notify the regional director of its decision before resuming operations and set forth in detail the action which has been taken to correct the conditions that caused the board to vote liquidation.

3. Section 710.3 is revised and reads as follows:

**§ 710.3 Transaction of business during liquidation.**

(a) Immediately on decision by the board of directors of a Federal credit union to seek approval of the members for liquidation, payments on shares, withdrawal of shares (except for transfer of shares to loans and interest), transfer of shares to another share account, granting of loans, and making investments other than short-term investments as specified in paragraph (b) of this section shall be suspended pending action by the members on the proposal to liquidate; and on approval by a majority of the members of such proposal, payments on shares, withdrawal of shares (except for transfer of shares to loans and interest), transfer of shares to another share account, granting of loans, and making of investments other than short-term investments as specified in paragraph (b) of this section shall be discontinued permanently. Necessary expenses to complete liquidation shall, however, continue to be paid on authorization by the board of directors or liquidating agent during the period of liquidation.

(b) While the primary duty of the board of directors during liquidation is to convert loans and investments to cash at the earliest possible date, there may be intervals during which funds being accumulated prior to distribution may be advantageously placed in short-term, interest-bearing savings accounts in institutions whose accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Common trust funds approved as legal investments for Federal credit unions, deposits in credit unions insured by the Administrator, deposits in central credit unions, and short-term U.S. Government obligations, or short-term securities fully guaranteed as to principal and interest by the U.S. Government may be used as a source for the investment of such excess funds. The aforementioned deposits should be withdrawable upon demand. The liquidation of such investments should be timed so as

to facilitate the planned distribution to the members.

(c) The board of directors or the liquidating agent must obtain approval from the Administrator prior to consummating any sale of assets which would not provide sufficient funds to pay shareholders at par. The request for such approval shall be transmitted to the Administrator by way of the Regional Director.

4. Section 710.4 is revised and reads as follows:

**§ 710.4 Notice of liquidation to members.**

Immediately on decision by the board of directors to seek approval of the members for liquidation and in accordance with the provisions of § 710.1 a notice of such decision shall be handed to each member or mailed to his last known address together with a request that the member furnish his statement of account or passbook, or confirm in writing the shares held by him in the Federal credit union and the loans owed by him to the Federal credit union.

5. Section 710.5 is revised and reads as follows:

**§ 710.5 Notice of liquidation to creditors.**

On approval of a majority of the members of a Federal credit union of a proposal to liquidate, the board of directors shall immediately have prepared and mailed to all creditors a notice of liquidation containing instructions to present their claims to the Federal credit union within 120 days for payment.

6. Section 710.6 is revised and reads as follows:

**§ 710.6 Report at commencement of liquidation.**

Within 20 days following the commencement date of voluntary liquidation of a Federal credit union, the treasurer or agent conducting the liquidation shall file with the regional director a financial and statistical report on Form FCU-109, a schedule showing the name, book number, share balance, and loan balance of each member and a schedule of delinquent loans containing pertinent comments as to the collectability of each delinquent loan.

7. Section 710.7 is revised and reads as follows:

**§ 710.7 Reports during period of liquidation.**

Federal credit unions in the process of voluntary liquidation shall file with the regional director a financial and statistical report on Form FCU-109 and a schedule of delinquent loans containing pertinent comments as to the collectability of each delinquent loan within 10 days from the close of each calendar quarter. Additional reports, as determined to be necessary by the regional director, shall be furnished promptly on written request.

8. Section 710.9 is revised and reads as follows:

**§ 710.9 Responsibility for conduct of voluntary liquidation.**

The board of directors of a Federal credit union in voluntary liquidation shall be responsible for conserving the assets, for expediting the liquidation, and for equitably distributing the assets to the members. The board shall determine that all persons handling or having access to funds of the Federal credit union are adequately covered by surety bond. The board or a duly authorized liquidating agent shall appoint a custodian for the Federal credit union's records which are to be retained for 5 years after the charter is canceled. The board may appoint a liquidating agent and delegate all or part of these responsibilities to such agent and may authorize reasonable compensation for his services; and such liquidating agent shall be bonded for faithful performance of his duties. The supervisory committee shall be responsible for making audits semi-annually during the period of liquidation. One of these audits shall be a comprehensive annual audit covering the period elapsed since the previous comprehensive annual audit.

9. Section 710.10 is revised by deleting the last sentence and now reads:

**§ 710.10 Completion of liquidation.**

After obtaining the necessary approval of a majority of the members and after all assets of the Federal credit union have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectable and all obligations of the Federal credit union have been paid, with the exception of shares due its members, the books shall be closed and the pro rata distribution to members computed.

10. Section 710.11 is revised to read as follows:

**§ 710.11 Distribution of assets.**

Promptly after the pro rata distribution to members has been computed, checks shall be drawn for the amounts to be distributed to each member who has surrendered his statement of account, or passbook, or has given a written confirmation of his balance. The checks shall be mailed to such members at their last known address or handed to them in person. The statements of account, passbooks, or written confirmations submitted by members to verify balances shall be retained with the credit union records. The Regional Director shall be notified promptly of the date final distribution of assets to the members is started. Unclaimed share accounts which have been dormant for the period which makes them subject to the escheat or abandoned property laws of the State in which the Federal credit union is located shall be paid to the State as required by such laws.

11. Section 710.12 (a), (b), (c), (e), and (g) are revised as follows:

§ 710.12 Final report.

(a) A schedule on an official form of unpaid claims, if any, due members who failed to surrender their statements of account, or passbooks, or confirm their balances in writing during liquidation whose share accounts are not payable to the State under applicable escheat or abandoned property laws, and of unpaid claims, if any, due members or creditors who failed to cash final distribution checks within the said 120 days; this schedule shall be accompanied by a certified check or money order payable to the National Credit Union Administration in the exact amount of the total of these unpaid claims. The Administration will deposit said funds in a special account with the Chief Disbursing Office of the Treasury of the United States where they will be held for the account of the individuals named on said schedule. Each such individual, or any authorized person on his behalf, may submit to the Administration a written claim for the amount of such funds held for him.

(b) A schedule on an official form showing the name, book number, share balance at the commencement of liquidation, pro rata share of gain, and the amount of each unclaimed share account paid to the state under applicable escheat or abandoned property laws. The check number and date of payment to the state should be included in the schedule.

(c) A schedule on an official form showing the name, book number, share balance at the commencement of liquidation, pro rata share of gain, and the amount distributed to each member.

(e) The Certificate of Dissolution and Liquidation on an official form signed under oath by the president, treasurer, or agent who conducted the liquidation and made the final distribution of assets to the members.

(g) The charter and insurance certificate of the Federal credit union.

12. Section 710.13 is revised to read as follows:

§ 710.13 Retention of records.

All records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed shall be retained by a custodian appointed by either the board or the duly authorized liquidating agent of said Federal credit union for a period of 5 years following the date of cancellation of the charter.

13. Section 710.14 is revised to read as follows:

§ 710.14 Cancellation of charter.

On proof that distribution of assets has been made to members and after receipt of the Certificate of Dissolution and Liquidation, the Administrator shall can-

cel the charter of the Federal credit union concerned.

[FR Doc.72-14892 Filed 8-31-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 12175; Amdt. 39-1514]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Viscount Models 744, 745D, and 810 Airplanes

There have been reports of fires and instances of overheating in the under-floor electrical system bay due to battery failures and electrical system faults on British Aircraft Corp. Viscount Models 774, 745D, and 810 airplanes that could result in damage to aluminum alloy control rods and other parts of the airplane. Damage to control rods could lead to in-flight loss of control. Since this condition is likely to exist or develop in other airplanes of the same type design an airworthiness directive is being issued to require replacement of aluminum alloy control rods with stainless steel control rods and replacement of Perspex electrical panel covers with glasscloth resin laminate covers on Viscount Models 744, 745D, and 810 airplanes. In addition, the directive requires installation of metal shield plates on the underside of floor panels located over the electrical system bay on Viscount Models 744 and 745D airplanes. Since fire and overheat damage associated with nickel-cadmium batteries has been more severe than that associated with lead-acid batteries, the compliance times for airplanes with nickel-cadmium batteries are shorter than those for airplanes with lead-acid batteries.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Vickers Viscount, Model 744, 745D, and 810 airplanes.

Compliance is required as indicated.

To reduce the vulnerability of control rods, electrical systems, and structure located in the underfloor electrical system bay to fire and overheat damage, accomplish the following:

(a) For Models 744, 745D, and 810 airplanes with nickel-cadmium batteries in the primary electrical system, within the next 250 hours' time in service after the effective date of this AD, unless already accomplished, replace the control rods in accordance with

paragraph (e) and replace the electrical panel guard covers in accordance with paragraph (f).

(b) For Models 744 and 745D airplanes with nickel-cadmium batteries in the primary electrical system, within the next 250 hours' time in service after the effective date of this AD, unless already accomplished, install protective surfaces on the lower surface of floor panels in accordance with paragraph (g).

(c) For Models 744, 745D, and 810 airplanes with lead acid batteries in the primary electrical system within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished, replace the control rods in accordance with paragraph (e) and replace the electrical panel guard covers in accordance with paragraph (f).

(d) For Models 744 and 745D airplanes with lead acid batteries in the primary electrical system, within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished, install protective panels on the lower surface of floor panels in accordance with paragraph (g).

(e) Replace applicable control rods listed in Column A with the control rods listed in Column B:

(1) For Models 744 and 745D airplanes:

Column A— Remove part numbers	Column B— Install part numbers
<b>Aileron:</b>	
70133 Sht. 97.....	70133 Sht. 231
70133 Sht. 185.....	70133 Sht. 235
<b>Elevator:</b>	
70133 Sht. 93.....	70133 Sht. 227
70133 Sht. 95.....	70133 Sht. 229
<b>Rudder:</b>	
70133 Sht. 93.....	70133 Sht. 227
70133 Sht. 95.....	70133 Sht. 229

(2) For Model 810 airplanes:

Column A— Remove part numbers	Column B— Install part numbers
<b>Aileron:</b>	
70133 Sht. 97.....	70133 Sht. 231
80233 Sht. 31.....	80233 Sht. 391
<b>Elevator:</b>	
70133 Sht. 93.....	70133 Sht. 227
70133 Sht. 153.....	70133 Sht. 233
<b>Rudder:</b>	
70133 Sht. 93.....	70133 Sht. 227
70133 Sht. 153.....	70133 Sht. 233

(f) Replace Perspex electrical panel covers listed in Column A with glasscloth resin laminate covers listed in Column C, or FAA-approved equivalent covers.

(1) For Models 744 and 745D airplanes:

Column A— Remove part Nos.	Column B— Location	Column C— Install part Nos.
72436-1903.....	Over fuses at top of power panel "K".	72436 Sht. 735.
74536-315.....	At cut-out for control rods at top of power panel "J".	74536-1481.
72436-663.....	Over wing root panel "H".	72436 Sht. 737.
72436-665.....	Over wing root panel "G".	72436 Sht. 739.

(2) For Model 810 airplanes:

Column A— Remove part Nos.	Column B—Location	Column C— Install part Nos.
81236-2713.....	Over wing root panel "H".	81236 Sht. 147.
81236-2715.....	Over wing root panel "G".	81236 Sht. 149.

(g) Install 2024 aluminum alloy sheeting with a minimum thickness of .028 inch, or an FAA-approved equivalent fire resistant material, on the lower surface of all floor panels made of plywood or material with similar fire resistant characteristics, between fuselage stations 357.85 and 414.00.

(British Aircraft Corp. bulletins for modification D.3249 (700 series) and FG.2127 (800/810 series) cover this same subject).

This amendment becomes effective September 6, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 24, 1972.

C. R. MELUGIN, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc.72-14916 Filed 8-31-72; 8:48 am]

#### SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 72-CE-9]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Transition Area

On July 6, 1972, a final rule was published in the FEDERAL REGISTER (37 F.R. 13249, 13250), F.R. Doc. 72-10298, Airspace Docket No. 72-CE-9, which altered the Des Moines, Iowa, transition area.

Subsequent to the publication of this rule the agency determined that the 3,500-foot transition area southwest of Des Moines was inadvertently omitted from the Des Moines transition area description. Accordingly, action is taken herein to change the final rule redesignation so that it reads correctly.

Since this amendment is editorial in nature it imposes no additional burden on any person and notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

#### DES MOINES, IOWA

That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'05" W., longitude 93°39'35" W.); that airspace extending upward from 1,200 feet above the surface beginning northeast of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence west along latitude 42°00'00" to and south along longitude 94°00'00" W., to and west along the south edge of V-172, to and south along longitude 94°42'00" W., to V-6 and east along the north edge of V-6, to longitude 94°23'30" W., thence southeast to latitude 40°56'30" N., longitude 93°54'00" N., thence northeast to latitude 41°02'00" N., longitude 93°30'00" W., thence south on longitude 93°30'00" W., to the north edge of V-216, thence northeast along the north edge of V-216 to latitude 40°58'30" N., longitude 92°48'30" W., thence north to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 93°30'00" W., and the north edge of V-216;

thence southwest along the north edge of V-216 to and north along longitude 95°00'00" W., to and east along the south edge of V-6S to the intersection of the south edge of V-6S and longitude 94°10'15" W.; thence southeast to latitude 40°56'30" N., longitude 93°54'00" W.; thence northeast to latitude 41°01'45" N., longitude 93°30'00" W.; thence south to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 16, 1972.

CHESTER W. WELLS,  
Acting Director, Central Region.

[FR Doc.72-14917 Filed 8-31-72; 8:48 am]

[Airspace Docket No. 72-GL-29]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Federal Airway Segment

On June 3, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11188) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter a segment of VOR Federal Airway No. 10 between Bradford, Ill., and Naperville, Ill.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 9, 1972, as hereinafter set forth.

Section 71.123 (37 F.R. 2009) is amended as follows:

In V-10 "INT Bradford 050° and Naperville, Ill., 254° radials;" is deleted and "INT Bradford 056° and Naperville, Ill., 253° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 25, 1972.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.72-14918 Filed 8-31-72; 8:48 am]

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 12170, Amdt. 95-223]

### PART 95—IFR ALTITUDES

#### Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure

navigation coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective September 14, 1972, as follows:

1. By amending Subpart C as follows:

From, To, and MEA  
Puerto Rico Routes

Section 95.1001 Direct routes—United States is amended to read in part:

Route 1, Cabo Rojo INT, P.R.; \*Mayaguez INT, P.R.; 2,500. \*4,500—MRA. Mayaguez INT, P.R.; Ramey, P.R. VORTAC; 2,500.

\*Bakersfield, Calif., VORTAC; Woody INT, Calif.; 5,000. \*3,300—MCA Bakersfield VORTAC, E-bound.

Section 95.6008 VOR Federal airway 8 is amended to read in part:

Mormon Mesa, Nev., VOR; Hurricane INT, Utah, E-bound; \*12,000, W-bound; \*9,000, \*8,800—MOCA.

Hurricane INT, Utah; Bryce Canyon, Utah, VOR; \*12,000. \*11,700—MOCA.

Section 95.6021 VOR Federal airway 21 is amended to read in part:

Mormon Mesa, Nev., VOR, via E alter. Hurricane INT, Utah, via E alter., E-bound; \*12,000; W-bound; \*9,000. \*8,800—MOCA. Hurricane INT, Utah, via E alter.; \*Cedar City, Utah, VOR, via E alter.; \*\*12,000. \*11,300—MCA Cedar City VOR, S-bound. \*\*11,500—MOCA.

Section 95.6023 VOR Federal airway 23 is amended to read in part:

Medford, Oreg., VOR; Milo INT, Oreg.; 7,000.

Section 95.6025 VOR Federal airway 25 is amended to read in part:

\*Ellensburg, Wash., VOR; \*\*Wenatchee, Wash., VOR; 8,600. \*6,800—MCA Ellensburg VOR, N-bound. \*\*7,400—MCA Wenatchee VOR, S-bound.

Section 95.6027 VOR Federal airway 27 is amended to read in part:

Fortuna, Calif., VOR, via W alter.; Crescent City, Calif., VOR, via W alter.; \*6,000. \*3,500—MOCA.

Carr INT, Wash.; Seattle, Wash., VOR; 3,000. Olympia, Wash., VOR, via E alter.; Seattle, Wash., VOR, via E alter.; 3,000.

Section 95.6049 VOR Federal airway 49 is amended by adding:

Decatur, Ala., VOR, via E alter.; Elkmont INT, Ala., via E alter.; \*2,600. \*2,000—MOCA. Elkmont INT, Ala., via E alter.; Nashville, Tenn., VOR, via E alter.; \*3,500. \*2,400—MOCA.

Nashville, Tenn., VOR, via E alter.; Portland INT, Tenn., via E alter.; \*2,700. \*2,000—MOCA.

Portland INT, Tenn., via E alter.; Bowling Green, Ky., VOR, via E alter.; \*2,700. \*2,500—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

Knob INT, Ariz., via W alter.; \*Ranch INT, Ariz., via W alter.; \*\*8,000. \*14,000—MCA  
Ranch INT, NE-bound. \*\*7,500—MOCA.  
Ranch INT, Ariz., via W alter.; Winslow, Ariz.,  
VOR, via W alter.; \*14,000. \*9,600—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Wakefield INT, R.I.; Lafayette INT, R.I.;  
\*2,300. \*1,700—MOCA.  
Whitman, Mass., VOR; \*Skipper INT, Mass.;  
\*\*2,000. \*2,500—MCA Skipper INT, N-  
bound. \*\*1,400—MOCA.

Section 95.6151 *VOR Federal airway 151* is amended to read in part:

Woonsocket INT, R.I.; \*Kittville INT, Mass.;  
\*\*2,700. \*4,500—MRA. \*\*2,000—MOCA.  
Kittville INT, Mass.; \*Millbury INT, Mass.;  
\*\*4,500. \*4,500—MRA. \*\*2,000—MOCA.  
Sullivan INT, N.H.; Bunker INT, N.H.; 4,500.  
\*7,000—MRA.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Lakeland, Fla., VOR, via S alter.; \*Campbell  
INT, Fla., via S alter.; \*\*1,700. \*3,000—  
MRA. \*\*1,600—MOCA.

Section 95.6158 *VOR Federal airway 158* is amended to read in part:

Savanna INT, Ill.; Polo, Ill., VOR; 2,700.

Section 95.6165 *VOR Federal airway 165* is amended to read in part:

Olympia, Wash., VOR; Seattle, Wash., VOR;  
3,000.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Grimes, INT, Iowa; Newton, Iowa, VOR; 3,300.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

Redmesa INT, Colo.; \*Mancos INT, Colo.;  
10,800. \*15,000—MCA Mancos INT, N-  
bound.  
Mancos INT, Colo.; Nucla INT, Colo.; \*15,000.  
\*13,700—MOCA.

Section 95.6229 *VOR Federal airway 229* is amended by adding:

Leroy INT, Mass.; \*Millbury INT, Mass.;  
\*\*3,000. \*4,500—MRA. \*\*2,200—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Delta, Utah, VOR; \*Vernon INT, Utah;  
11,000. \*12,000—MCA Vernon INT, N-  
bound.

Vernon INT, Utah; \*Stansbury INT, Utah;  
12,300. \*10,500—MCA Stansbury INT, S-  
bound.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

McCoy INT, OREG.; Newberg, Oreg., VOR;  
3,600.

Section 95.6327 *VOR Federal airway 327* is amended to read in part:

Knob INT, Ariz.; Ranch INT Ariz.; \*8,000.  
\*7,500—MOCA.  
\*Ranch INT, Ariz.; Oak Creek INT, Ariz.;  
\*\*12,000. \*9,000—MCA Ranch INT, N-  
bound. \*\*9,100—MOCA.  
Oak Creek INT, Ariz.; Flagstaff Ariz., VOR;  
10,000.

Section 95.6452 *VOR Federal airway 452* is amended to read in part:

Cottage Grove INT, Oreg.; Woods INT, Oreg.;  
\*10,500. \*9,700—MOCA.  
Woods INT, Oreg.; Klamath Falls, Oreg.,  
VOR, SE-bound; 9,000. NW-bound; 10,000.

Section 95.6481 *VOR Federal airway 481* is amended to read in part:

Robe DME Fix, Alaska; Gulkana, Alaska,  
VOR; 10,000.

From, To, MEA, and MAA

Section 95.7075 *Jet route No. 75* is amended to read in part:

Lakeland, Fla., VORTAC; Taylor, Fla.,  
VORTAC; 18,000; 45,000.  
Taylor, Fla., VORTAC; Columbia, S.C.,  
VORTAC; 18,000; 45,000.  
Columbia, S.C., VORTAC; Greensboro, N.C.,  
VORTAC; 18,000; 45,000.  
Greensboro, N.C., VORTAC; Gordonsville,  
Va., VORTAC; 18,000; 45,000.

Section 95.7553 *Jet route No. 553* is added to read:

St. Georges, Quebec, Canada, VOR; Houlton,  
Maine, VOR; 18,000; 45,000.  
Houlton, Maine, VOR; Moncton, New Brun-  
swick, Canada, VOR; 18,000; 45,000.

From, To, Distance from changeover point

2. By amending Subpart D as follows:  
Section 95.8003 *VOR Federal airway changeover points.*

V-23 is amended by adding:  
Medford, Oreg., VOR; Eugene, Oreg., VOR;  
40; Medford.

V-257 is amended to read in part:  
Delta, Utah, VOR; Malad City, Idaho, VOR;  
63; Delta.

(Secs. 307 and 1110, Federal Aviation Act of  
1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on Aug-  
ust 23, 1972.

C. R. MELUGIN, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc.72-14743 Filed 8-31-72;8:45 am]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Adminis- tration, Department of Health, Ed- ucation, and Welfare

#### SUBCHAPTER C—DRUGS

#### PART 149a—DICLOXACILLIN

##### Sterile Sodium Dicloxacillin Monohydrate

Pursuant to provisions of the Federal  
Food, Drug, and Cosmetic Act (sec. 507,  
59 Stat. 463, as amended; 21 U.S.C. 357)  
and under authority delegated to the  
Commissioner (21 CFR 2.120), Part 149a  
is amended to provide for the certifica-  
tion of sterile sodium dicloxacillin mono-  
hydrate when it is packaged in dispens-  
ing containers.

Part 149a is amended in § 149a.2 by  
adding a sentence to the end of para-  
graph (a) (1) (i) and by revising para-  
graphs (a) (1) (vi) and (3) (ii) and  
(b) (1) and (6) to read as follows:

<sup>1</sup> For that airspace over U.S. territory.

#### § 149a.2 Sterile sodium dicloxacillin monohydrate.

(a) \* \* \*

(1) \* \* \*

(i) Its potency is not less than 850  
micrograms of dicloxacillin per milli-  
gram. If it is packaged for dispensing,  
its potency is satisfactory if it contains  
not less than 90 percent and not more  
than 120 percent of the number of milli-  
grams of dicloxacillin that it is repre-  
sented to contain.

(vi) Its pH in an aqueous solution  
containing 10 milligrams per milliliter  
or when reconstituted as directed in the  
labeling, if it is packaged for dispensing  
is not less than 4.5 nor more than 7.5.

(3) \* \* \*

(ii) Samples required:

(a) If the batch is packaged for re-  
packing or for use in the manufacture  
of another drug:

(1) For all tests except sterility: 10  
packages, each containing approximately  
500 milligrams.

(2) For sterility testing: 20 packages,  
each containing approximately 300  
milligrams.

(b) If the batch is packaged for  
dispensing:

(1) For all tests except sterility: A  
minimum of 15 immediate containers.

(2) For sterility testing: 20 immedi-  
ate containers, collected at regular in-  
tervals throughout each filling operation.

(b) \* \* \*

(1) \* \* \*

(i) *Sample preparation.* Dissolve an  
accurately weighed sample in sufficient  
1 percent potassium phosphate buffer,  
pH 6.0 (solution 1), for the microbio-  
logical agar diffusion assay and the hy-  
droxylamine colorimetric assay or in  
distilled water for the iodometric assay,  
to give a stock solution of convenient  
concentration; and also if it is packaged  
for dispensing, reconstitute as directed  
in the labeling. Then, using a suitable  
hypodermic needle and syringe, remove  
all of the withdrawable contents if it  
is represented as a single dose container,  
or if the labeling specifies the amount of  
potency in a given volume of the result-  
ant preparation, remove an accurately  
measured representative portion from  
each container. Dilute with either solu-  
tion 1 or distilled water, as specified  
above, to give a stock solution of con-  
venient concentration.

(ii) *Assay procedures.* Use any of the  
following methods; however, the results  
obtained from the microbiological agar  
diffusion assay shall be conclusive.

(a) *Microbiological agar diffusion as-  
say.* Proceed as directed in § 141.110 of  
this chapter, diluting an aliquot of the  
stock solution with solution 1 to the  
reference concentration of 5 micrograms  
of dicloxacillin per milliliter (estimated).

(b) *Iodometric assay.* Proceed as di-  
rected in § 141.506 of this subchapter.

(c) *Hydroxylamine colorimetric assay*. Proceed as directed in § 141.507 of this subchapter.

(6) *pH*. Proceed as directed in § 141.503 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter (or using a solution reconstituted as directed in the labeling if it is packaged for dispensing).

Data supplied by the manufacturer concerning the subject antibiotic have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (9-1-72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 25, 1972.

MARY A. McENIRY,  
Assistant to the Director for  
Regulatory Affairs, Bureau of  
Drugs.

[FR Doc.72-14943 Filed 8-31-72;8:52 am]

## PART 149b—AMPICILLIN

### Sterile Ampicillin Trihydrate for Suspension

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to Part 149b to provide for certification of the subject antibiotic drug:

§ 149b.20 Sterile ampicillin trihydrate for suspension.

(a) **Requirements for certification—**  
(1) **Standards of identity, strength, quality, and purity.** Sterile ampicillin trihydrate for suspension is a dry mixture of ampicillin trihydrate and one or more suitable and harmless buffer substances, stabilizers, suspending agents, and preservatives. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not less than 11.4 percent and not more than 14.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.0. The ampicillin trihydrate used conforms to the standards prescribed by § 149b.2(a) (1).

(2) **Labeling.** It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) **Requests for certification; samples.** In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The ampicillin trihydrate used in making the batch for potency, loss on drying, pH, ampicillin content, crystallinity, and identity.

(b) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(a) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) **Tests and methods of assay—**(1) **Potency—**(i) **Sample preparation.** Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the resultant solution with 0.1M potassium phosphate buffer, pH 8.0 (solution 3), for the microbiological agar diffusion assay, or distilled water for the iodometric assay, to give a stock solution of convenient concentration.

(ii) **Assay procedure.** Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(a) **Microbiological agar diffusion assay.** Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter.

(b) **Iodometric assay.** Proceed as directed in § 141.506 of this subchapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) **Sterility.** Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except in lieu of (e) (1) (i) (a), prepare the sample for test as follows: From each of 10 immediate containers, aseptically transfer approximately 300 milligrams of sample into a sterile 500-milliliter Erlenmeyer flask containing approximately 400 milliliters of diluting fluid D. Add at least 200,000 Levy units<sup>1</sup> of penicillinase. Repeat the process using 10 additional containers. Swirl both of the stoppered flasks to completely solubilize the suspension prior to filtration and proceed as directed in paragraph (e) (1) (ii) of that section. If the formulation cannot be filtered, proceed as directed in § 141.2(e) (2) of this subchapter, except use medium B in lieu of medium A and add at least 40,000

<sup>1</sup> One Levy unit of penicillinase inactivates 59.3 units of penicillin G in 1 hour at 25° C. at a pH of 7.0 in a phosphate buffered solution of a pure alkali salt of penicillin G when the substrate is in sufficient concentration to maintain a zero order reaction.

Levy units of penicillinase to both medium B and medium E.

(3) **Pyrogens.** Proceed as directed in § 141.4(f) of this subchapter, using a solution containing 20 milligrams of ampicillin per milliliter.

(4) **Safety.** Proceed as directed in § 141.5 of this subchapter.

(5) **Loss on drying.** Proceed as directed in § 141.501(a) of this subchapter.

(6) **pH.** Proceed as directed in § 141.503 of this subchapter, using the solution obtained when the product is reconstituted as directed in the labeling.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (9-1-72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 25, 1972.

MARY A. McENIRY,  
Assistant to the Director for  
Regulatory Affairs, Bureau of  
Drugs.

[FR Doc.72-14942 Filed 8-31-72;8:52 am]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX

[T.D. 7199]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### Industrial Development Bonds; Correction

On August 3, 1972, T.D. 7199 was published in the FEDERAL REGISTER (37 F.R. 15485). On August 11, 1972, a correction to T.D. 7199 was published in the FEDERAL REGISTER (37 F.R. 16177). The corrections listed below are made to the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 7199 as corrected:

1. In § 1.103-8(a) (5) (i), line 5 (page 15490), delete line 5 together with the balance of this subdivision and insert the following: "(ii) of this subparagraph and, if the original use of the facility commences prior to the date of issue of obligations issued to provide such facility, the facility is described in subdivision (iv) of this subparagraph or (b) if the construction, reconstruction, or acquisition of the facility commences on or after September 2, 1972, the facility is described in subdivision (iii) or (iv) of this subparagraph."

2. In § 1.103-8(a) (5) (ii), line 7 (page 15490 as corrected by page 16177), the language "any other" should be changed to read "some other similar".

3. In § 1.103-8(a) (5) (ii), line 11 (page 15490), the word "first" should be inserted between the word "is" and the word "placed".

4. In § 1.103-8(a) (5) (ii), line 12 (page 15490), delete the last sentence thereof

which begins with the word "For \* \* \*" and insert the following new sentences: The determination as to whether a stage or portion of a single facility, or an entire facility, was placed in service is determined according to the facts and circumstances of each situation. However, the date on which an entire facility is placed in service shall not be earlier than the date on which—

(a) It has reached a degree of completion which would permit operation at substantially the level for which it is designed, and

(b) It is, in fact, in operation at such level.

For example, a newly constructed air pollution control facility for a manufacturing plant is not first placed in service within the meaning of this subdivision merely as a result of its initial operation at an air pollution abatement level substantially below that contemplated for the completed facility.

5. In § 1.103-8(a) (5) (iii), line 2 (page 15490), insert the language reading "(or the acquisition of a facility occurs) on or" between the word "commences" and the word "after".

6. In § 1.103-8(a) (5) (iii), line 7 (page 15490 as corrected by page 16177), the language "any other" should be changed to read "some other similar".

7. In § 1.103-8(a) (5) (iv) (a), beginning on line 5 (page 16177), delete the language reading: "(determined, however, without regard to any use by any person prior to the date the entire facility was placed in service (within the meaning of subdivision (ii) of this subparagraph))".

8. In § 1.103-8(a) (5) (iv), line 27 (page 16177), delete the last sentence thereof which begins with the word "Temporary \* \* \*" and insert the following new subdivision (v):

(v) A facility shall not be treated as one not described in subdivision (iv) of this subparagraph by reason of the use of the facility by such substantial user prior to the date of issue of the State or local obligations issued to provide the facility, provided that a bond resolution or other similar official action was taken by such issuer with respect to such obligations (a) prior to the commencement of the construction, reconstruction, or acquisition of such facility and such obligations are issued within 1 year after the entire facility was first placed in service or was acquired (whichever occurs last), or (b) in the case of a facility which is described in subdivision (ii) of this subparagraph, prior to the date the entire facility is first placed in service. See subdivision (ii) of this subparagraph for rules for determining when an entire facility is first placed in service. The provisions of this subdivision shall not apply with respect to an acquisition if any substantial user or a related person after the date of such acquisition was a substantial user before the date such bond resolution or other similar official action by such issuer was adopted.

9. In (e) of § 1.103-10(a) (2) (ii), beginning on line 6 (page 15495), delete the language reading "for this purpose, determined by including any expenditure which may, under any rule or election under the Code, be treated as a capital expenditure (whether or not such expenditure is so treated) and" and insert the following new sentence on line 16 immediately before the last sentence of such (e): "With respect to obligations issued on or after August 8, 1972, determinations under the preceding sentence shall be made by including any expenditure which may, under any rule or election under the Code, be treated as a capital expenditure (whether or not such expenditure is so treated)."

JAMES F. DRING,  
Director, Legislation and  
Regulations Division.

[FR Doc.72-15010 Filed 8-31-72; 8:55 am]

## Title 39—POSTAL SERVICE

### Chapter I—U.S. Postal Service

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Regulations codified in Title 39, Code of Federal Regulations, are amended to codify therein permanent schedules of domestic postage rates and fees heretofore approved by the Governors of the Postal Service and published as a notice document in the daily issue of July 1, 1972 (37 F.R. 13148). In addition, regulations relating to publications designed primarily for free circulation are revised so as to eliminate the numerical example for determining what constitutes free circulation. The listing of persons authorized to use the franking privilege is updated to reflect current law. Changes in office designations are also made.

(39 U.S.C. 101(d), 401, 403, 404, 407, 3210, 3621, 3625, 3626, 3627)

ROGER P. CRAIG,  
Deputy General Counsel.

#### PART 131—FIRST CLASS

1. Section 131.1 is amended to read as follows:

##### § 131.1 Rates.

Kind of mail	Rate
All first-class mail weighing 12 ounces or less except postal and post cards. See § 136.1(b) for rates on first-class mail weighing more than 12 ounces.	8 cents per ounce or fraction of an ounce.
Single postal cards sold by the post office.	6 cents each.
Double postal cards sold by the post office.	12 cents (6 cents each portion).
Single post cards.	6 cents each.
Double post cards. (Reply portion of double post card does not have to bear postage when originally mailed.)	12 cents (6 cents each portion).

Kind of mail	Rate
Business reply mail:	
Cards	8 cents each.
Other than cards:	
Weight not over 2 ounces.	8 cents per ounce or fraction of an ounce plus 2 cents per piece.
Weight over 2 ounces.	8 cents per ounce or fraction of an ounce plus 5 cents per piece. Over 12 ounces, 5 cents per piece, plus rate in § 136.1.
Airmail	See § 136.1.

#### § 131.2 [Amended]

2. In § 131.2 Classification, under paragraph (a) (3), delete the parenthetical references to the United States Code which appear in subdivision (i) and subdivision (ii).

#### PART 132—SECOND CLASS

##### § 132.1 [Amended]

1. In § 132.1 Rates, make the following changes:

a. Under paragraph (a) (1) When mailed at office of original entry, amend the data opposite subdivision (i) to read as follows: "Publications issued more frequently than weekly: 1.1 cents per copy."

b. Under paragraph (a) (1) amend the data opposite subdivision (ii) to read as follows:

Publications issued less frequently than weekly:  
Copies weighing 2 ounces or less: 1.1 cents per copy.  
Copies weighing more than 2 ounces 2.1 cents per copy.

c. Under paragraph (a) (1) amend the data opposite subdivisions (iii)–(vi) to read as follows:

1.5 cents (one and one half cents) per pound or fraction of a pound plus 0.1 cent (one tenth of a cent) per piece charge.  
0.2 cent (two tenths of a cent) minimum rate per piece plus 0.1 cent (one tenth of a cent) per piece charge.

d. In paragraph (a) subparagraph (2) is amended to read as follows:

(2) When mailed at office of additional entry. The charges prescribed by subdivisions (iii)–(vi) of subparagraph (1) of this paragraph, also apply to copies of publications of whatever frequency mailed at an office of additional entry located within the county (see restriction in § 132.3(c) (4)) where published and entered, to addressees residing within the county, for delivery at all offices within or without the county including the office of additional entry by whatever delivery services are provided.

e. Paragraph (b) (1) is amended to read as follows:

(1) All publications, except those accepted at the special rate (subparagraph

(2) of this paragraph), classroom rate (subparagraph (3), of this paragraph), or science of agriculture rate (subparagraph (4) of this paragraph)—(i) Rates in cents per pound or fraction of a pound.

Nonadvertising portion.....	14.2
Advertising portion:	
Zones 1 and 2.....	16.0
Zone 3.....	17.1
Zone 4.....	19.2
Zone 5.....	11.4
Zone 6.....	13.8
Zone 7.....	15.0
Zone 8.....	17.4

(ii) Minimum rate per piece:

(a) All publications except those provided for in (2).....	1.3
(b) Publications mailing less than 5,000 copies per issue outside the county of publication....	1.8

<sup>1</sup> Plus 0.3 cent (three-tenths of a cent) per piece charge.  
<sup>2</sup> Plus 0.1 cent (one-tenth of a cent) per piece charge, or 0.3 cent (three-tenths of a cent) per piece charge. The 0.3 cent per piece charge applies when the pound rate is used and the actual charge per piece is 1.3 cents or more.

f. In paragraph (b) (2) *Special rate publications*, amend subdivisions (i) and (ii) to read as follows:

(i) Rates in cents per pound or fraction of a pound.

Nonadvertising portion.....	2.4
Advertising portion:	
Zones 1 and 2.....	4.4
Zone 3.....	5.2
Zone 4.....	6.7
Zone 5.....	8.4
Zone 6.....	9.1
Zone 7.....	9.3
Zone 8.....	9.5
Minimum rate per piece.....	0.2

<sup>2</sup> Add to computed postage 0.2 cent (two-tenths of a cent) per piece charge.

(ii) The zone rates in subdivision (i) of this subparagraph are applicable to issues in which the advertising portion exceeds 10 percent. Issues containing 10 percent or less advertising shall be computed at the nonadvertising rate in subdivision (i) of this subparagraph or the minimum rate per piece, whichever is greater.

g. Amend paragraph (b) (3) to read as follows:

(3) *Classroom publications*. (Religious, educational, or scientific publications designed specifically for use in school classrooms or in religious instruction classes). Rates in cents per pound or fraction of a pound are:

Nonadvertising portion.....	2.3
Advertising portion:	
Zones 1 and 2.....	3.6
Zone 3.....	4.3
Zone 4.....	5.7
Zone 5.....	7.1
Zone 6.....	8.7
Zone 7.....	9.4
Zone 8.....	11.0
Minimum per piece.....	0.8

<sup>1</sup> Plus 0.1 cent (one-tenth of a cent) per piece charge.

h. In paragraph (b) (4), *Science of agriculture publications*, change the reference 4.2 cents which appears in the first sentence to 4.6 cents.

i. In paragraph (c) *Transient rate*, the 5 cent and 1 cent rates are changed to 6 cents and 2 cents, respectively.

j. In paragraph (e) *Computation of postage charges*, insert the following as the penultimate sentence: "The per piece charge is applicable to mailings made at both the pound rates and the minimum per piece rate."

§ 132.2 [Amended]

2. In § 132.2 *Qualifications for second-class privileges*, makes the following changes:

a. Amend paragraph (b) (7) to read as follows:

(7) *Free circulation publications*. Publications designed primarily for free circulation may not qualify for second-class privileges.

b. In paragraph (d) *Foreign newspapers and periodicals*, strike out the parenthetical reference to the United States Code.

§ 132.6 [Amended]

3. In § 132.6 *Ownership, management and circulation statement*, make the following changes:

a. Amend the caption of paragraph (a) to read as follows: "(a) *Requirements, as contained in 39 United States Code, section 3685.*"

b. In paragraph (a) (1) change the reference "39 United States Code, 4354" to "§ 132.2 (b)."

c. In paragraph (a) (2) change the reference "39 United States Code, 4355 (b)" to "§ 132.2 (c)"; and the reference "39 United States Code, 4355 (a) or 4356" to "§ 132.2 (b) or (c)".

d. In paragraph (b) (4) amend subdivisions (iv) and (v) to read as follows:

(iv) Arrange the original copies alphabetically by titles and forward them to the Finance Department, Mail Classification Division, Washington, D.C. 20260. Retain the duplicate copies.

(v) Obtain a copy of the issue of each publication in which the required statement is published. Verify the correctness of the published statement. File the copy. Do not forward it to headquarters. Promptly report to the Finance Department, Mail Classification Division, any instance where a publisher fails to file or to publish a statement.

§ 132.7 [Amended]

4. In § 132.7 *Marking of paid reading matter*, delete the reference in paragraph (a) to 39 U.S.C. 4367.

5. Section 132.8 is amended to read as follows:

§ 132.8 Cancellation of second-class privileges.

(a) The Postmaster General may revoke the entry of a publication as second-

class mail whenever he finds, after a hearing, that the publication is no longer entitled to be entered as second-class mail.

(b) The Manager, Mail Classification Division, Finance Department, makes determinations concerning the suspension or revocation of a second-class entry subject to appeal and hearing requested by the publisher. He may call on a publisher from time to time to submit information bearing on the publisher's right to retain a second-class entry for his publication. When the Manager determines that a publication is no longer entitled to its second-class entry, he issues a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons therefor. The ruling becomes effective in 15 days from receipt by the publisher unless the publisher appeals therefrom.

(c) A copy of the procedures governing administrative appeals and hearings relative to the denial, suspension, or annulment, of second-class mail privileges may be obtained from the Manager, Mail Classification Division, Finance Department.

PART 133—CONTROLLED CIRCULATION PUBLICATIONS

In § 133.2 *Permits*, amend paragraph (b) to read as follows:

§ 133.2 *Permits.*

\* \* \* \* \*

(b) *Applications*. Apply by letter to the postmaster at the office where mailings are to be made. State the name of the publication, frequency of issue, where published, the name of the publisher, and whether the publication is circulated free or mainly free. Submit two copies of the issue published nearest to the date of application marked to show the nonadvertising content as required in § 133.4. The postmaster will submit the application and one copy of the publication to his Regional Mail Classification Branch. Notice of authorization or disapproval will be furnished by the Manager, Mail Classification Division.

\* \* \* \* \*

PART 134—THIRD CLASS

§ 134.1 [Amended]

1. In § 134.1 *Rates*, make the following changes:

a. In paragraph (a) *Single piece rate*, change the references to 6 cents and 2 cents to 8 cents and 4 cents respectively.

b. Paragraphs (b) (1) and (2) are amended to read as follows:

(b) *Bulk rates*. (See §§ 134.2 (b) (2) and 134.4 (b).)



Kind	Size	Denomination	Item No.	Prices		
				Less than 500	500	1,000
Regular.....	6¾	8-cent.....	681	\$0.10	\$43.55	\$87.10
	10	8-cent.....	181	.10	44.20	88.40
Window.....	6¾	8-cent.....	682	—	44.00	88.00
	10	8-cent.....	182	—	44.85	89.70
Precanceled.....	6¾	1.7-cent.....	673	—	12.05	24.10
	10	1.7-cent.....	173	—	12.70	25.40
Airmail.....	6¾	11-cent.....	614	.13	58.75	117.50
	10	11-cent.....	114	.13	59.40	118.80

b. In paragraph (b) (4) *Precanceled envelopes*, change the reference to 1.4 cents to 1.7 cents.

c. Amend paragraph (c) to read as follows:

(c) *Postal cards available.*

Denomination (cents)

Description

Cut Single Cards:

6---	Domestic regular single (available also in sheets of 40).
6---	Domestic commemorative single.
9---	Domestic airmail single.
10---	Foreign regular single, 3½" x 5½".
15---	Foreign airmail single, 3½" x 5½".

Double Reply-Paid Cards:

12---	Domestic regular reply (6 cents each half).
-------	---

All domestic (regular and airmail) postal cards are precanceled. Postal cards in sheets

for use in printing must be cut to regulation size, 3¼ x 5½ inches so that the stamp appears in the upper right corner. However, domestic regular and domestic airmail cards may be cut to 3 x 5 inches. Cases of sheet postal cards may be broken for sale. Return addresses are not printed on postal cards by the Postal Service. Domestic regular and airmail postal cards are not acceptable for foreign mailings. Only cards which measure 3½ x 5½ inches may be used.

d. In paragraph (d) *Aerogrammes*, change 13 cents to 15 cents.

#### § 141.2 [Amended]

2. In § 141.2 *Printed stamped envelopes (special request)*, amend the table in paragraph (a) to read as follows:

(a) *Printed stamped envelopes available.*

Kind	Size	Denomination	Item No.	Prices		
				500 only <sup>1</sup>	1,000 or more Per 1,000	Each addition 500
Regular.....	6¾	8 cent.....	681	\$45.80	\$91.10	\$45.55
	10	8 cent.....	181	46.45	92.40	46.20
Window.....	6¾	8 cent.....	682	46.25	92.00	46.00
	10	8 cent.....	182	47.10	93.70	46.85
Precanceled.....	6¾	1.7 cent.....	673	14.30	28.10	14.05
	10	1.7 cent.....	173	14.95	29.40	14.70
Airmail.....	6¾	11 cent.....	614	61.00	121.50	60.75
	10	11 cent.....	114	61.65	122.80	61.40

<sup>1</sup> Minimum order—Please note that the price for 500 only is more than ½ of the per-thousand price.

## PART 144—POSTAGE METERS AND METER STAMPS

### § 144.3 [Amended]

In § 144.3 *Use of meter*, paragraph (c) (7), change 80 pounds to 70 pounds.

## PART 158—FORWARDING MAIL

### § 158.3 [Amended]

1. In § 158.3 *Postage for forwarding*, make the following changes:

a. In paragraph (b) (1) change 13 ounces in both places where it appears to 12 ounces.

b. Amend paragraph (b) (6) to read as follows:

(6) *Airmail* articles weighing 9 ounces or less are forwarded without additional charge. These articles are sent by air when air service to the new address is available. Priority mail (heavy pieces) which includes all airmail weighing over 9 ounces, with postage prepaid thereon at the rates provided by § 136.1(b) of

this chapter is forwarded by air and additional postage at the applicable rate in § 136.1(b) of this chapter between the forwarding and the delivery office will be collected on delivery.

### § 158.6 [Amended]

2. In § 158.6 *Reforwarding*, change 7 ounces to 9 ounces.

## PART 159—UNDELIVERABLE MAIL

### § 159.2 [Amended]

In § 159.2 *Treatment by classes*, make the following changes:

a. In paragraph (a) (1) change 13 ounces in both places where it appears to 12 ounces.

b. Under paragraph (d) (3) *Address correction service*, the reference to 4 ounces which appears in subdivisions (i), (ii), and (iii) should be changed to 2 ounces. Also in subdivision (iii) Form 3570 should read 3579.

c. In paragraph (e) (1) change 4 ounces to 2 ounces.

d. Paragraph (f) is amended to read as follows:

(f) *Airmail*. Airmail weighing 9 ounces or less and priority mail (heavy pieces) will be returned by the same transportation as first-class mail at no additional charge. Priority mail (heavy pieces) includes all airmail weighing over 9 ounces which has postage prepaid thereon at the rates provided by § 136.1(b) of this chapter.

## PART 166—SPECIAL DELIVERY

In § 166.2 *Payment for special delivery*, amend paragraph (a) to read as follows:

### § 166.2 Payment for special delivery.

(a) *Special delivery fees.* \* \* \*

Class of mail	Weight		
	Not more than 2 pounds (cents)	More than 2 pounds but not more than 10 pounds (cents)	More than 10 pounds (cents)
First-class, airmail, and priority mail.....	60	75	90
All other classes.....	80	90	1.05

[FR Doc.72-14761 Filed 8-31-72;8:45 am]

## PART 144—POSTAGE METERS AND METER STAMPS

### Use of Fluorescent Ink in Postage Meters

In the daily issue of June 15, 1972 (37 F.R. 11904, as corrected at 37 F.R. 13812), the Postal Service, complying voluntarily with the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553), published a proposed regulation which, if adopted, would require the use of fluorescent ink for postage imprints on letter size metered mail, effective July 1, 1973.

Interested persons were given an opportunity to submit written data, views, or arguments, concerning the proposed regulation. After consideration of all comments received the Postal Service has determined to adopt the proposed regulation, with a modification in the width dimensions of letter size mail.

Accordingly, the following amendments to the regulations of the Postal Service are hereby made, to be effective July 1, 1973.

In § 144.4 *Meter stamps*, redesignate paragraphs (c) through (h) as paragraphs (d) through (i), respectively, and insert new paragraph (c), to read as follows:

### § 144.4 Meter stamps.

(c) *Fluorescent ink*. Effective July 1, 1973, the use of fluorescent ink will be mandatory for postage imprints on letter size metered mail. Failure to use fluorescent ink may result in revocation of a mailer's meter license. Letter size mail is defined as being from 4¼" to 11½"

long, 3' to 6 1/8" wide, and .006" to 0.025" thick.

(39 U.S.C. 401)

ROGER P. CRAIG,  
Deputy General Counsel.

[FR Doc.72-14949 Filed 8-31-72; 8:49 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 5A—Federal Supply Service, General Services Administration MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 of the Code of Federal Regulations is amended as follows:

#### PART 5A-1—GENERAL

The table of contents for Part 5A-1 is amended to add the following new entry:

##### Subpart 5A-1.72—Public Relations

Sec. 5A-1.7201 Visitors to procurement activities.

Subpart 5A-1.72 is added as follows:

##### Subpart 5A-1.72—Public Relations

§ 5A-1.7201 Visitors to procurement activities.

(a) Visitors to procurement activities shall be treated in a businesslike manner and with appropriate courtesy. Discussions shall be conducted in a manner to preclude compromise of any information, including the possibility of other visitors overhearing conversations which could influence their actions or present an undue advantage. Care shall be exercised to prevent the visual observance of documents which may be on desks or tables and which are not intended to be shown to the visitor.

(b) To facilitate the above, the following are illustrative as to the type of procedures which should be prescribed:

(1) Register all visitors;

(2) Conduct discussions and other business with visitors in a central location, away from the immediate work area of the person visited;

(3) If visitors need to leave the central location area, they should be escorted or should be required to wear some numbered identification tag which should be recorded when issued and again when turned in at the end of the visit;

(4) In the central location, conduct business in special rooms or booth-type facilities; and

(5) Post signs or otherwise make known that visitors are prohibited from entering procurement work areas, unless specifically authorized.

#### PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5A-2 is amended to add the following new entry:

Sec. 5A-2.207 Amendment of invitations for bids.

##### Subpart 5A-2.2—Solicitation of Bids

Section 5A-2.207 is added as follows:

§ 5A-2.207 Amendment of invitations for bids.

When amending solicitations and using standard Form 30, amendment of solicitations/modifications of contract, block 12 of the form shall among other entries state the applicable FSC numbers, when appropriate, the commodity or service and the original bid opening date, for example, as follows:

Above numbered solicitation for FSC 7530, envelopes, opening July 1, 1972, is amended as follows:

##### Subpart 5A-2.4—Opening of Bids and Award of Contract

Section 5A-2.407-8 is amended as follows:

§ 5A-2.407-8 Protests against award.

(d) If notice is received from the General Accounting Office that a protest has been filed with that office, award shall not be made prior to a ruling on the protest by the Comptroller General unless a written finding specifying the factors which will not permit a delay in the award is prepared by the contracting office and approved by the Commissioner, FSS, or his designee, with the concurrence of the Office of General Counsel (LP), and GAO is notified. Upon receipt of notice from GAO that a protest has been filed with that office, the contracting officer shall promptly notify the contractor (if award has been made) or all bidders who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. (See § 1-2.407-8.)

(e) When the contracting officer receives a copy of the original protest and any additional information filed by the protestor with GAO, he shall with the concurrence of LP furnish copies of such documents to the contractor (if award has been made) or to those bidders who have received notice of the protest as described in paragraph (a), above. The covering letter enclosing these documents should advise that views or comments may be submitted to the General Counsel, GAO, within 10 days after receipt, with a copy to the contracting officer and the Office of General Counsel (LP). (For a sample letter see § 5A-76.121.)

(f) Within 5 workdays after receipt of the complete statement of protest from GAO, the FSS contracting office shall prepare and submit an administrative report on the protest to the Office of General Counsel (LP). If the report cannot be prepared within 5 workdays, a written statement shall be submitted for approval by the Assistant Commissioner for Procurement setting forth the reasons for the delay and the expected date of submission of the report. The reason for this short time frame is to facilitate the timely preparation and submission

of the final agency report to the General Accounting Office.

(g) Any additional information requested by GAO shall be submitted to GAO, through the Office of General Counsel (LP), within 10 workdays, if feasible, after receipt of such request.

#### PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

The table of contents for Part 5A-72 is amended by the addition of the following new entries:

Sec. 5A-72.105-32 Intensive management of critical stock items.  
5A-72.106-8 Procurement of tires.

##### Subpart 5A-72.1—Procurement of Stores Stock Items

1. Section 5A-72.105-29 is amended as follows:

§ 5A-72.105-29 Interim stock replenishments.

(c) \* \* \*

(1) If the amount is \$2,500 or less, products which are known to meet the applicable specifications shall be identified and purchased under the small purchase procedures. Small purchases of this type may be made from the prior contractor under the terms of the expired contract if the prices are considered reasonable and the prior contractor agrees.

2. Section 5A-72.105-31 is amended as follows:

§ 5A-72.105-31 Public exigency purchases of stock items.

(b) Where there is an existing term contract for the required items, the ordering activity shall first explore the possibility of obtaining timely delivery under the existing contract by requesting accelerated delivery prior to making a public exigency procurement. If the established contractor agrees to making accelerated delivery only under the condition that delivery schedules on other Government orders must be extended or the contract price increased, the matter shall be discussed with the contracting officer who will decide if such arrangement is to be authorized. If the established contractor cannot make delivery in the time required, the procurement may be made under public exigency procedures where the circumstances justify. After the above steps have been taken, exigency purchases may be made by the regional buying activity, if otherwise appropriate, after coordination with the national or zone contracting officer. In such cases, a statement by the regional contracting officer shall be included in the contract file explaining the circumstances involved.

(c) Where there is no term contract coverage for the item required, and the circumstances described in paragraph

## RULES AND REGULATIONS

(a) of this section are present, the requirement may be procured under public exigency procedures. However, where it is known that a national or zone term contract source will be available in the near future, the national or zone contracting officer shall be consulted (by phone, or otherwise) to determine the current status of contract availability and delivery terms and to obtain any available information which might be helpful in obtaining timely delivery of the exigency requirement.

3. Section 5A-72.105-32 is added as follows:

**§ 5A-72.105-32 Intensive management of critical stock items.**

See FSS 4872.1, subpar. 7b, for Office of Procurement responsibilities in connection with the intensive management of critical stock items.

4. Section 5A-72.106-8 is added as follows:

**§ 5A-72.106-8 Procurement of tires.**

All solicitations for tires and resultant term contracts and Federal supply schedules shall contain the following provision:

**TIRE IDENTIFICATION/REGISTRATION**

All tires which are shipped against any Government orders shall be identified and registered in accordance with the regulations issued by the Department of Transportation in 49 CFR Part 574 and as implemented in § 101-25.110.

**PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM**

**Subpart 5A-73.1—Production and Maintenance**

Section 5A-73.123-5 is amended as follows:

**§ 5A-73.123-5 Blanket purchase arrangements.**

**BLANKET PURCHASE ARRANGEMENTS**

(c) \* \* \*

Blanket purchase arrangements shall not be used to cover an anticipated series of orders to be placed within a short period of time the value of which would exceed the maximum order limitation (see FPMR 101-26.401-4(c)). If requirements exceeding the maximum order limitation can be foreseen and consolidated, they should be submitted for definite quantity procurement outside the schedule as provided in FPMR 101-26.106 (see special provision No. \_\_\_\_\_<sup>1</sup> requirements in excess of maximum order limitations).

**PART 5A-76—EXHIBITS**

The table of contents of Part 5A-76 is amended to add the following entry:

Sec.  
5A-76.121 Format for inviting bidder/contractor comments on a protest to GAO.

<sup>1</sup> Contracting officer insert appropriate number.

**§ 5A-76.121 Format for inviting bidder/contractor comments on a protest to GAO.**

NOTE: A copy of the format exhibited in § 5A-76.121 is filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

**Effective date.** This regulation is effective 30 days after the date shown below but may be observed earlier except where the provisions of this regulation are merely confirmations of earlier instructions, in which case they shall continue to be followed.

Dated: August 21, 1972.

M. S. MEEKER,  
Commissioner,  
Federal Supply Service.

[FR Doc. 72-14940 Filed 8-31-72; 8:52 am]

**Chapter 9—Atomic Energy Commission**

**MISCELLANEOUS AMENDMENTS TO CHAPTER**

These changes are being made to update and clarify the instructions for submitting data needed as input to the procurement report which AEC is required to submit to the General Services Administration semiannually pursuant to FPR 1-16.804.

**PART 9-1—GENERAL**

**Subpart 9-1.8—Labor Surplus Area Concerns**

1. In Subpart 9-1.8, Labor Surplus Area Concerns, § 9-1.807, *Report on preference and nonpreference procurement in labor surplus areas*, is revised as follows:

**§ 9-1.807 Report on preference and nonpreference procurement in labor surplus areas.**

A semiannual report containing summary data on AEC procurement in Labor Surplus Areas as set forth in FPR 1-1.807, FPR 1-16.804-3(d) (2), and FPR 1-16.804-4, shall be forwarded by managers of field offices to the Director, Division of Contracts, AEC Headquarters, within 30 days after December 31 and June 30, each year. The format and content of the summary data shall be consistent with lines 10 through 14 of Standard Form 37 (see FPR 1-16.901-37).

**PART 9-16—PROCUREMENT FORMS**

2. In Part 9-16, Procurement Forms, a new Subpart, 9-16.8, Miscellaneous Forms, is added as follows:

**Subpart 9-16.8—Miscellaneous Forms**

Sec.  
9-16.804 Report on procurement.  
9-16.804-1 General.

AUTHORITY: The provisions of this Subpart 9-16.8 issued under section 161 of the Atomic Energy Act of 1954, as amended, 68

Stat. 948, 42 U.S.C. 2201; section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

**Subpart 9-16.8—Miscellaneous Forms**

**§ 9-16.804 Report on procurement.**

**§ 9-16.804-1 General.**

The report on procurement required by and described in FPR 1-16.804, is prepared for the Atomic Energy Commission by the Division of Contracts, AEC Headquarters, on the basis of internal reports submitted pursuant to AECPR 9-54, AECPR 9-1.709, and AECPR 9-1.807.

**PART 9-59—ADMINISTRATION OF COST-TYPE CONTRACTOR PROCUREMENT**

3. In Part 9-59, Administration of Cost-Type Contractor Procurement, § 9-59.004, *AECPR-FPR provisions pertaining to cost-type contractor procurement* is revised as follows:

**§ 9-59.004 AECPR-FPR provisions pertaining to cost-type contractor procurement.**

The AECPR-FPR provisions referenced below pertain to cost-type contractor procurements and are listed in this part to facilitate administration. Some of these provisions are implementations of statutory or other requirements and AEC-wide policies, which provide little or no basis for the exercise of judgment. However, to the extent such provisions permit or provide for the exercise of judgment, contracting officers should be guided by good business practice and the best interests of the Government.

Subject	Reference
Federal paper specifications.	9-1.305-1(b).
Contingent fees.....	9-1.501.
Small business.....	9-1.700.
Labor surplus area concerns.	1-1.805-1.
Qualified products.....	9-1.11.
Minority business enterprises.	9-1.1310(a), (b), and (c), 1-1.1310 (1) and (2).
Organizational conflicts of interest.	9-1.5403.
Price negotiation policies and techniques.	1-3.8, 9-3.800.
Subcontracting policies and procedures.	1-3.9, 9-3.901.
Public utilities.....	9-4.402(b).
Livestock products....	9-4.601.
Indemnity representation.	9-4.5008.
Measurement differences, SSNM transfers.	9-4.5300.
Enriched uranium agreements.	9-4.5400.
Multiyear procurement.	9-4.5500.
Special and directed sources.	1-1.319, 9-5.000.
Foreign purchases....	9-6.100, 9-6.800, 9-18.600.
Clauses .....	9-7.000-50, 9-14.5002, 9-7.5003(c).

<i>Subject</i>	<i>Reference</i>
Termination -----	9-8.000.
Patents and copy- rights.	9-9.5001, 9-9.5101.
Bonds and insurance.	9-10.000.
Taxes -----	9-11.203, 9-11.350, 9-11.4.
Labor -----	9-12.000, 1-12.8.
Cost principles -----	9-15.50.
Construction -----	9-18.150, 1-18.305 (b), 9-18.305, 9-18.50, 9-18.108.
Contract finance -----	1-30.4, 1-30.5, 9-30.4, 9-30.5, 9-30.7.
Approval of contracts.	9-51.200, 9-51.400, 9-51.500, 9-51.600.
Procedures for handling mistakes under cost-type contractor procurement.	9-59.005.
Contractor-controlled sources.	
Subcontractor selection.	9-56.002, 9-56.405.
<i>Records and reports</i>	<i>Reference</i>
Small business reports.	9-1.709.
Possible antitrust violations.	9-1.901.
Identical bids -----	9-1.1603.
Dissemination of procurement information.	9-3.103.
Contract reporting ---	9-54.
Justifications -----	9-55.102-3, 9-55.204.

*Effective date.* These amendments are effective upon publication in the FEDERAL REGISTER (9-1-72).

Dated at Germantown, Md., this 28th day of August 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,

Director, Division of Contracts.

[FR Doc. 72-14928 Filed 8-31-72; 8:55 am]

**PART 9-56—SELECTION OF CONTRACTORS BY BOARD PROCESS**  
**Policy Governing Particular Types of Contracts**

The Atomic Energy Commission recently completed a review of its procurement policies concerning the replacement of contractors operating AEC-owned plants and laboratories, and cost-type contractors performing services of a continuing nature for the AEC at AEC-owned locations. These amendments are a result of that review. The principal change is the adoption in § 9-56.401 of a new criterion for determining when operating and cost-type onsite service contracts should be opened to competition. Also the provisions dealing with the matter of overconcentration of a firm's activities in the AEC's program have been consolidated and simplified in § 9-56.402. Conflict of interest has been eliminated as a contractor replacement criterion in view of the more comprehensive or-

ganizational conflict of interest policy contained in AECPR 9-1.54.

**Subpart 9-56.4—Policy Governing Particular Types of Contracts**

1. In Subpart 9-56.4, Policy Governing Particular Types of Contracts, § 9-56.401, *Replacement of contractors operating AEC-owned plants or laboratories*, is revised as follows:

§ 9-56.401 **Operating contracts and cost-type onsite service-type contracts.**

(a) Unless otherwise designated by the Commission, for purpose of this section operating contracts are those contracts for the operation of AEC-owned plants and laboratories located at AEC-owned sites, and cost-type onsite service contracts are those contracts for the performance of services of a continuing nature for the AEC at AEC-owned sites;

(b) Competition for existing operating and onsite service contracts will be sought whenever there is a reasonable expectation that a meaningful improvement can be made in the overall performance of the contract work, including management and operating costs, unless it is determined that to change a contractor would be contrary to the best interest of the Government.

2. In Subpart 9-56.4, Policy Governing Particular Types of Contracts, § 9-56.402, *Replacement of service-type contractors performing services of a continuing nature for the AEC at AEC-owned locations*, is revised as follows:

§ 9-56.402 **Selection of operating and cost-type onsite service contractors.**

It is AEC policy that operating and cost-type onsite service contracts of a continuing nature should not be concentrated among a relatively few firms. Accordingly, firms already holding contracts of these types will not be considered for selection of another such contract, unless it is determined that this is not in the best interest of the Government.

§ 9-56.403 [Reserved]

3. In Subpart 9-56.4, Policy Governing Particular Types of Contracts, § 9-56.403, *Selection of new onsite service contractors*, is deleted and reserved.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390. 40 U.S.C. 486.)

*Effective date.* These amendments are effective upon publication in the FEDERAL REGISTER (9-1-72).

Dated at Germantown, Md., this 23d day of August 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,

Director, Division of Contracts.

[FR Doc. 72-14929 Filed 8-31-72; 8:55 am]

**Title 42—PUBLIC HEALTH**

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

**PART 51—GRANTS TO STATES FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES**

**Subpart A—Grants to States for Comprehensive Health Planning**

On March 22, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5322) proposing a revision of 42 CFR Part 51, Subpart A, relating to grants to States for comprehensive health planning under section 314(a) of the Public Health Service Act (42 U.S.C. 246(a)).

Interested persons were invited to submit, within 30 days, written comments, suggestions, or objections, regarding the proposed regulations.

A number of responses were received. The substance of these comments, and the Department's response thereto, is summarized below.

1. *OMB Circular A-95.* It was suggested that the requirements of OMB Circular A-95 relating to the congruity of areas for various types of planning be incorporated into these regulations.

The A-95 requirements described are more appropriate for coverage in the regulations being developed for the program of project grants for areawide health planning under section 314(b) of the Public Health Service Act (42 U.S.C. 246(b)), and will be included therein.

2. *Home health care.* It was suggested that the word "comprehensive" be inserted before the words "home health care" in § 51.4(c)(1) of the proposed regulations.

The language "home health care" is statutory, and the proposed change was therefore regarded as inappropriate. It should be noted, however, that the term does not exclude comprehensive home health services.

After consideration of all the comments and suggestions received, the revision as proposed is hereby adopted, subject to the following changes of an editorial or technical nature:

1. Subdivision (iv) of § 51.4(g)(1) is revised to read as set forth below.

2. Subparagraphs (2) and (3) of § 51.4(g) are revised to read as set forth below.

*Effective date.* These regulations shall be effective upon publication in the FEDERAL REGISTER (9-1-72).

Dated: August 3, 1972.

VERNON E. WILSON,  
Administrator, Health Services  
and Mental Health Administration.

Approved: August 24, 1972.

W. R. HASTINGS,  
Acting Secretary.

Subpart A—Grants to States for Comprehensive Health Planning

- Sec.  
 51.1 Applicability.  
 51.2 Definitions.  
 51.3 Submission of State programs.  
 51.4 State program requirements.  
 51.5 State allotments.  
 51.6 Payments to States.  
 51.7 Equipment, supplies or personnel in lieu of cash.  
 51.8 Nondiscrimination on account of race, color, or national origin.

**AUTHORITY:** The provisions of this Subpart A issued under secs. 215, 314 of the Public Health Service Act as amended; 58 Stat. 690, 80 Stat. 1180; 42 U.S.C. 216, 246.

Subpart A—Grants to States for Comprehensive Health Planning

§ 51.1 Applicability.

The regulations of this subpart apply to grants to assist the States, including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in comprehensive and continuing planning for their current and future health needs in terms of health services, health manpower and health facilities, as authorized by section 314(a) of the Public Health Service Act, as amended.

§ 51.2 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this subpart:

(a) "Act" means section 314 of the Public Health Service Act, as amended (42 U.S.C. 246).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) "State program" refers to the State plan for comprehensive health planning which contains the information, proposals, and assurances submitted by the State agency pursuant to section 314(a) of the Act and the regulations of this subpart.

(d) "State agency" means the single State agency (which may be an interdepartmental agency) designated in the State program for administering or supervising the administration of the State's health planning functions under the State program.

§ 51.3 Submission of State programs.

In order to receive funds from an allotment under this subpart, a State must submit to and have approved by the Secretary a State program which incorporates by reference the information and meets the requirements specified in the Act and in the regulations of this subpart. Such program shall be submitted by the State agency officially designated and authorized to administer it and carry out the functions prescribed hereunder, after reasonable opportunity has been provided to the Governor of the State for his review and comment. Documents incorporated by reference become a part of the State program as though fully set forth therein. Such doc-

uments must be (a) clearly identified as to subject, date, and location, (b) officially adopted and disseminated in accordance with applicable procedures, and (c) made available to the Secretary and to the public for inspection.

§ 51.4 State program requirements.

(a) *Responsibility of State agency.* The State program must provide that the State agency will either administer or supervise the administration of the activities to be carried out under it. In order to assure adequate supervision by the State agency of the administration of activities under the State program carried out by other agencies, institutions, organizations, or individuals, the State program must incorporate by reference documents showing that the State agency (1) is able to obtain from such other agencies, institutions, organizations, or individuals the data needed for formulation and evaluation of, and accountability for, planning activities; (2) has established methods for performing continuing professional and administrative evaluations of such activities; and (3) is in a position to take such steps as may be necessary to assure that such activities meet Federal and State requirements.

(b) *State health planning council.* The State program must incorporate by reference documents showing that a State health planning council has been established to advise the State agency in carrying out its functions under the approved State program. Council membership shall include representatives of State agencies (other than the designated State agency) and local agencies and of nongovernmental organizations and groups concerned with health (including representation of the regional medical programs established under Title IX of the Act which are included in whole or in part within the State), and one or more representatives of Federal agencies concerned with health: *Provided*, That, if there is located in the State one or more hospitals or other health care facilities of the Veterans' Administration, the membership of the council shall include as an ex officio member the individual whom the Administration of Veterans' Affairs shall have designated to serve on such council as the representative of the hospitals or other health care facilities or such Administration which are located in the State; and the requirement of representation of Federal agencies concerned with health shall be satisfied by the inclusion of such Veterans' Administration representative. A majority of the council members must be consumer representatives whose major career or occupation is neither the organization, financing, or delivery of health services, nor research in or the teaching of health sciences. Membership of the council shall generally reflect the various socioeconomic groups and geographic areas of the State. The council shall meet as often as necessary and not less often than twice a year for the purposes of consulting with and advising the State agency with respect to:

(1) The scope of planning activities to be undertaken by the State agency;

(2) The recommendations to be made by the State agency as a result of such activities; and

(3) Necessary review and modifications of the State program.

(c) *Expenditure of grant funds.* The State program must incorporate by reference written policies and procedures for the expenditure of funds under the program, which shall provide that:

(1) The scope of comprehensive health planning will encompass the need for services (including home health services), facilities, and manpower to meet the physical, mental, and environmental health needs of the people of the State, and the financial and organizational resources through which these needs may be met;

(2) Such planning will be concerned with both publicly and privately supported health services and activities;

(3) A method for determining priorities of planning activity will be established to insure that the most critical planning problems are scheduled for early attention;

(4) Methods will be established for obtaining and utilizing, in the formulation of planning priorities and recommendations, effective and appropriate informational support, including statistical data and, where feasible, social, economic, demographic, and similar base data consistent with those to be utilized for other comprehensive planning activities in the State;

(5) To administer or supervise the administration of the planning functions under the State program and to provide staff assistance to the State health planning council, the State agency will establish positions, including the full-time position of comprehensive health planning director, to be filled by persons with appropriate qualifications: *Provided*, That the Secretary may, in particular cases, approve arrangements for administering or supervising the administration of the State agency's planning activities through other than a full-time director where he finds that such other arrangements will result in the effective administration of such activities;

(6) The State agency will cooperate with and assist in the development of needed regional, metropolitan area, and other local area health planning agencies and be prepared to act upon, and to inform the Secretary of its actions with respect to, grant applications under section 314(b) of the Act.

(d) *Encouraging cooperative efforts.* The State programs must incorporate by reference written policies and procedures for encouraging cooperative efforts among governmental and nongovernmental agencies, organizations, and groups concerned with health and related services, facilities, and manpower. As a minimum, such policies and procedures must provide methods for:

(1) Coordinating the State agency's planning activities with specialized health planning and other related planning activities, such as the development

of mental retardation plans, construction plans for health and medical facilities, community mental health plans, regional medical programs, environmental quality plans, and State physical and economic planning;

(2) Considering the most effective and efficient manner of meeting health needs in the fields of welfare, education, and rehabilitation; and

(3) Considering the special needs of high-risk population groups for preventive and health care services.

(e) *Federal funds to supplement State funds otherwise available.* The State program must contain satisfactory assurances that Federal funds will not supplant funds that would otherwise be made available by the State for the purpose of comprehensive health planning and that Federal funds will, to the extent practicable, be used to increase the level of non-Federal funds available for such purpose. Substantial compliance with such assurance will be deemed to have been met if the level of non-Federal funds made available to and spent by the State for comprehensive health planning is at least no lower for any fiscal year than it was in the immediately preceding fiscal year, except that the Secretary may also take into consideration the extent to which the level of such funds for any fiscal year may have included funds for an activity of a non-recurring nature.

(f) *Methods of administration.* The State program shall:

(1) Provide for the establishment and maintenance of personnel standards on a merit basis for persons employed by the State in carrying out the State program. Conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Health, Education, and Welfare, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91-648; 84 Stat. 1915) modifying or superseding such Standards, will be deemed to meet this requirement as determined by said Commission. Laws, rules, regulations, and policy statements, and amendments thereto, effectuating such methods of personnel administration shall be incorporated by reference in the State plan;

(2) Incorporate by reference written policies and procedures for informing interested parties and organizations and the general public about the agency's activities and recommendations;

(3) Contain an assurance that no more than 50 percent of the funds available to the State agency under the State program will be used for contracting with other agencies and organizations to conduct planning functions under the State program without specific approval from the Secretary; and

(4) Incorporate by reference written policies and procedures by which criteria will be developed as a basis for approval or disapproval of applications for area-wide health planning project grants under section 314(b) of the Act.

(g) *Reports and records.* (1) The State program must contain an assurance that, in addition to any other reports or records required by the regulations of this subpart or which may reasonably be required by the Secretary under the Act:

(i) The State agency will maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State program;

(ii) The Secretary will be provided copies of each recommendation, plan or portion of a plan adopted by the State agency;

(iii) An annual narrative summary of the planning activities undertaken during the preceding year will be submitted to the Secretary; and

(iv) Expenditure reports on forms prescribed by the Secretary will be submitted within 60 days after the close of the Federal fiscal year.

(2) All records required by the Act and the regulations of this subpart shall be retained for 3 years after the submission of the annual expenditure report required by subparagraph (1) (iv) of this paragraph: *Provided*, That (i) all records pertaining to audit questions which have arisen before the end of such 3-year period shall be retained until resolution of all such questions, and (ii) records for nonexpendable property which was acquired under the State plan shall be retained for 3 years after its final distribution.

(3) All records required by the Act and the regulations of this subpart shall be available to the Comptroller General of the United States and the Secretary, or their authorized representatives, for purposes of making audits, examinations, excerpts and transcriptions.

(h) *Review and modification.* The State program must contain an assurance that the State agency will review and evaluate its approved program at least once annually and submit appropriate modifications to the Secretary. As a minimum, the State agency shall submit annual modifications of the State program which will (1) reflect budgetary and expenditure requirements for the next fiscal year, (2) set forth priorities established for planning activity to be undertaken in the next fiscal year, and (3) update any assurances or other informational requirements included in the State program.

(i) *Program for capital expenditures.* The State program must incorporate by reference written policies and procedures for assisting, through consultation, provision of information, and advice, each health care facility in the State to develop a program of capital expenditures for replacement, modernization, and expansion which is consistent with such overall State plan as has been developed in accordance with criteria established as provided in section 314(a) (2) (I) of the Act, and shall provide that the State agency furnishing such assistance will periodically review such capital expenditures program of each health care facility in the State and recommend appropriate modification thereof. The assist-

ance and review required under this paragraph may be provided either by the State comprehensive health planning agency itself, or, under such State agency's control and supervision, by a local public or a private nonprofit agency, or by another State agency qualified and authorized to provide such assistance and designated in the State program as the agency with the primary responsibility therefor. For the purposes of this section the term "health care facility" includes all hospitals, sanatoriums, nursing homes, and other facilities for the inpatient care of the sick, injured, or disabled, which are licensed or formally approved for such purposes by an officially designated State standards-setting authority, and all public or private nonprofit clinics, health centers, and other facilities a major purpose of which is to provide diagnostic, preventive or therapeutic outpatient health care by or under the supervision of doctors of medicine, osteopathy, or dentistry: *Provided*, That such term shall not include facilities operated by religious groups relying solely on spiritual means through prayer and healing and in which health care by or under the supervision of doctors of medicine, osteopathy, or dentistry is not provided.

(j) *Accounting procedures.* The State program shall incorporate by reference such written fiscal control and fund accounting procedures as are necessary to assure the proper disbursement of and accounting for funds paid to the State under this subpart. Such procedures shall provide for an accurate and timely recording of receipts of funds from State and Federal sources, of expenditures made from such funds for comprehensive health planning purposes under the State program, and of any unearned balances of Federal funds paid to the State, and for the determination of allowability and the allocation of costs in accordance with Chapter 5-60 of the Department of Health, Education, and Welfare Grants Administration Manual.<sup>1</sup> Controls shall be established by the State agency to insure that expenditures charged to comprehensive State health planning funds are for allowable purposes and that documentation is readily available to verify the accuracy of such charges.

#### § 51.5 State allotments.

(a) *Determination.* The allotment of funds for any year to each State shall be the product of

(1) The percentage which the State's weighted population bears to the total of the weighted populations of all States, multiplied by

(2) The amount of appropriated funds available for allotment for the fiscal year; except that the allotment for any State which, as a result of such computation, is less than one percent of the amount available for allotment shall be increased to one percent of such amount

<sup>1</sup> The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO document no. 894-523.

and the allotments to other States shall be proportionately reduced as necessary but not below an amount equal to one percent. For the purposes of this section, the term "weighted population" means (i) the population of the State (as determined from the latest available estimate from the Department of Commerce) multiplied by (ii) the per capita income of the United States divided by the per capita income of the State (as determined from the latest available estimates from the Department of Commerce).

(b) *Availability.* The funds allotted to any State for a fiscal year shall remain available to the State for obligation in accordance with its approved State program during the fiscal year for which the allotment was made and the succeeding fiscal year. If the Secretary determines that a State will not utilize all of its allotment during the period for which it is available, such balances shall be available for reallocation to other States in accordance with the provisions of subsection 314(a)(3)(B) of the Act. The Secretary will make a determination as to the balances of funds available for reallocation during the last quarter of each fiscal year for which such allotments are available for expenditures by the States and will reallocate such balances as soon as possible after such a determination is made.

#### § 51.6 Payments to States.

Each State for which a State program has been approved shall from time to time be paid from its allotment for the fiscal year amounts which equal the Federal share, as determined pursuant to section 314(a)(4) of the Act, of expenditures incurred during the period for which such allotment is available. The "Federal share" for any State shall be all or such part of the expenditures for comprehensive State health planning made by or under the supervision of the State agency as the Secretary may determine at the time of his approval of the State program. Payments to a State under this section will be made where practicable through a letter of credit system or, when such a system is not practicable, on the basis of payment requests from the State to meet its current needs. The Secretary will make such adjustments in amounts of payments as may be necessary to correct under or over payments previously made (including expenditures which are disallowed on the basis of audit findings).

#### § 51.7 Equipment, supplies or personnel in lieu of cash.

At the request of and for the convenience of the State agency, the Secretary may, in lieu of cash payments, furnish to the State agency equipment or supplies or detail to the State agency officers or employees of the Public Health Service when he finds such equipment, supplies, or personnel would be used in carrying out the approved State program. In such case, the Secretary will reduce the payments to which the State agency would otherwise be entitled from its allotment for the fiscal year by an amount which equals the fair market value of the equip-

ment or supplies furnished, and by the amount of the pay, allowances, traveling expenses, and other costs in connection with such detail of officers or employees. For purposes of determining the amount of the expenditures for any fiscal year made in carrying out the approved State program and the Federal share of such expenditures, the costs incurred by the Secretary in furnishing such equipment or supplies and in detailing such personnel to the State agency during the fiscal year shall be considered as expenditures made by and funds paid to the State.

#### § 51.8 Nondiscrimination on account of race, color, or national origin.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Such regulation is applicable to comprehensive State health planning activities which receive Federal financial assistance and requires receipt and acceptance by the Secretary of the applicable documentation set forth therein.

[FR Doc. 72-14797 Filed 8-31-72; 8:46 am]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2335]

#### PART 3850—ASSESSMENT WORK

##### Subpart 3851—Assessment Work; General

###### COMPLIANCE WITH MINING LAWS

On page 13153 of the FEDERAL REGISTER of July 15, 1971, there was published a notice and text of a proposed amendment of Subpart 3851 of Title 43, Code of Federal Regulations. The purpose of the amendment is to revise the regulations in light of the principles set out in *Hickel v. Oil Shale Corporation*, 400 U.S. 48 (1970). The Department's regulations relating to assessment work on mining claims state that failure to perform the required assessment work relates solely to the right of possession between rival or adverse claimants to the same mineral land. The Supreme Court's decision in *Hickel v. Oil Shale Corporation* shows that the existing regulation is not consistent with the law.

Interested persons were given until August 9 to submit comments, suggestions, or objections to the proposed amend-

ment. As of September 7, 42 comments were received. Most persons objecting to the rulemaking stated that they believed the proposal went beyond the intent of the Supreme Court's decision. They read that decision as applying only to mining claims located for minerals now subject to leasing under the Mineral Leasing Act of 1920. This interpretation is based on the references in the opinion to the effect of the "Savings Clause" (section 37) of the Mineral Leasing Act of 1920.

The interpretation advocated in the comments and suggestions has been given careful consideration. The Department notes that the Court's opinion states that "the command of section 28 of the 1872 Act is that assessment work of \$100 be done 'during the year' \* \* \*".

The Court also characterizes as "dicta" statements in two earlier decisions (*Wilbur v. Krushnic*, 208 U.S. 306 (1930) and *Ickes v. Virginia-Colorado Development Corporation*, 295 U.S. 639 (1935)) that the failure to do assessment work is not ground for cancellation of a claim by the government. It goes on to state that "While the objective of the 1872 Act was to open the lands 'to a beneficial use by some other party,' once the original claimant defaulted, the defeasance inevitably accrued to the United States, owner of the fee. On that premise it would seem that the dicta in *Krushnic* and in *Virginia-Colorado* are not valid."

Questions about the exact intent and meaning of *Hickel v. Oil Shale Corporation* may ultimately have to be resolved in the courts. In the meantime, it is the Department's view that the proposed regulation correctly reflects the law as stated in that decision.

Therefore, the proposed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective September 9, 1972.

HARRISON LOESCH,

Assistant Secretary of the Interior.

AUGUST 25, 1972.

Subpart 3851 is amended as follows:

1. Section 3851.3 is revised to read as follows:

§ 3851.3 Effect of failure to perform assessment work.

(a) Failure of a mining claimant to comply substantially with the requirement of an annual expenditure of \$100 in labor or improvements on a claim imposed by section 2324 of the Revised Statutes (30 U.S.C. 28) will render the claim subject to cancellation.

(b) Failure to make the expenditure or perform the labor required upon a location will subject a claim to relocation unless the original locator, his heirs, assigns, or legal representatives have resumed work after such failure and before relocation.

§ 3851.4 [Deleted]

2. Section 3851.4 is deleted.

§§ 3851.4, 3851.5 [Redesignated]

3. Sections 3851.5 and 3851.6 are redesignated as §§ 3851.4 and 3851.5, respectively.

[FR Doc. 72-14947 Filed 9-1-72; 8:53 am]

**Title 47—TELECOMMUNICATION****Chapter I—Federal Communications Commission**

[Docket No. 16945]

**PART 25—SATELLITE COMMUNICATIONS****Domestic Communications-Satellite Facilities; Order Extending Time**

In the matter of establishment of domestic communications-satellite facilities by nongovernmental entities.

1. By a telegraphic request received by the Commission on August 23, 1972, the State of Alaska seeks a further extension of time to September 11, 1972, within which to file its comments on the petitions for reconsideration of the Second Report and Order released in this proceeding on June 16, 1972. In support thereof it is stated that the "request is made in order that the drafts of the comments prepared by the Office of the Attorney General may be circulated to interested persons within the State for their review and comments prior to final submission" and that the "State will not request further extension of time for filing comments in this matter."

2. This is the third request for extension of such filing time made by the State of Alaska. By letter dated July 27, 1972, the State was granted leave to file its comments on or before August 3, 1972. At the request of the State of Alaska and MCI Lockheed Satellite Corp., the times for filing comments and replies were generally extended for all parties until August 25, 1972, and September 1, 1972, respectively (order released on August 3, 1972). In the circumstances and in view of the Commission's announced intention to consider the request for stay pending reconsideration on early September 1972 (order adopted on July 19, 1972, FCC 72-645), it does not appear that good cause has been shown for a further extension of the length presently requested by the State. However, in order to accommodate the State to the extent practicable without unduly delaying a resolution of this matter to the possible prejudice of other interested parties, the times for filing comments and replies will be extended to September 1, 1972, and September 11, 1972, respectively. This extension is upon condition that the State of Alaska serve copies of its comments on those who have sought reconsideration by September 1, 1972.

3. Accordingly, it is ordered, Pursuant to § 0.303 of the Commission's rules and regulations, that the time for filing responses to petitions for reconsideration of the Commission's Second Report and Order herein (FCC 72-531) is extended to September 1, 1972, and that the time for filing replies to such responses is extended to September 11, 1972.

Adopted: August 23, 1972.

Released: August 24, 1972.

[SEAL] ASHER H. ENDE,  
Acting Chief,  
Common Carrier Bureau.

[FR Doc.72-14933 Filed 8-31-72;8:51 am]

**Title 49—TRANSPORTATION****Chapter V—National Highway Traffic Safety Administration, Department of Transportation**

[Docket No. 72-18; Notice 2]

**PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS****New Pneumatic Tires, Tire Selection, and Rims for Passenger Cars**

The NHTSA published on August 2, 1972 (37 F.R. 15430), additions and amendments to the tables in the Appendices of Motor Vehicle Safety Standard No. 109 (49 CFR 571.109) and Motor Vehicle Safety Standard No. 110 (49 CFR 571.110). Guidelines published in the FEDERAL REGISTER on October 5, 1968 (33 F.R. 14964), provide that routine additions to the tables become effective 30 days from the publication date if no objections are received. If objections are received, rule making pursuant to 49 CFR Part 553 is initiated.

The European Tyre and Rim Technical Organisation (ETRTO) has raised an objection to changes made by the August 2 publication to load values in Table I-H of Standard No. 109. Accordingly, the amendment to Table I-H, Appendix A, Motor Vehicle Safety Standard No. 109 (571.109), published August 2, 1972 (item 3, page 15430), is hereby revoked. Notice of proposed rule making regarding these load values will be issued. The other amendments issued in the publication of August 2, 1972, will become effective if no further objections are received by September 1, 1972.

(Secs. 103, 119, 201, 202, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, 1421, 1422; delegations of authority at 49 CFR 1.51, 49 CFR 501.8)

Issued on August 29, 1972.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.72-14987 Filed 8-31-72;8:51 am]

**Chapter X—Interstate Commerce Commission****SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[S.O. 1108]

**PART 1033—CAR SERVICE****Reading Co., et al.**

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of August 1972.

It appearing, that because of an order of the Federal District Court for the District of New Jersey, The Central Railroad Co. of New Jersey, Robert D. Timpany, trustee (CNJ), is unable to operate over its lines in Pennsylvania; that the Commission, in Finance Docket No. 26659, authorized operation of these lines by the Lehigh Valley Railroad Co.,

John F. Nash and Robert C. Haldeman, trustees (LV) subject to the establishment of through service by the Reading Co., Richardson Dilworth and Andrew L. Lewis, Jr., trustees (Rdg) and the CNJ between Allentown, Pa., and Jersey City, N.J., requiring the use of LV tracks by the Rdg between Bethlehem Junction, Pa., and Phillipsburg, N.J.;

It further appearing, that the Rdg, in Finance Docket No. 27161, has requested permanent authority to operate over tracks operated by the LV between Allentown, Pa., and Phillipsburg, N.J.; that the LV has agreed to temporary operation by the Rdg over LV tracks between Bethlehem Junction, Pa., and Phillipsburg, N.J., pending final disposition of the application of the Rdg in Finance Docket No. 27161;

And it further appearing, that the Commission is of the opinion that an emergency exists requiring operation by the Rdg over tracks of the LV between Bethlehem Junction, Pa., and Phillipsburg, N.J., a distance of approximately 12 miles; and that such operation by the Rdg is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

**§ 1033.1108 Service Order No. 1108.**

(a) *Reading Co., Richardson Dilworth and Andrew L. Lewis, Jr., trustees, authorized to operate over tracks of Lehigh Valley Railroad Co., John F. Nash and Robert C. Haldeman, trustees.* The Reading Co., Richardson Dilworth and Andrew L. Lewis, Jr., trustees (Rdg), be, and it is hereby authorized to operate over tracks of the Lehigh Valley Railroad Co., John F. Nash and Robert C. Haldeman, trustees (LV), between Bethlehem Junction, Pa., and Phillipsburg, N.J., a distance of approximately 12 miles.

(b) *Application.* The provisions of this section shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Rdg over tracks of the LV is deemed to be due to carriers' disability, the rates applicable to traffic moved by the Rdg over said tracks shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This section shall become effective at 12:01 a.m., August 12, 1972.

(e) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., December 31, 1972, unless otherwise modified, changed, or suspended, by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10-17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), 17(2))

It is further ordered, That copies of this section shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of

that agreement, and upon the American Short Line Railroad Association; and that notice of this section shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-14963 Filed 8-31-72;8:53 am]

[Ex Parte No. MC-19 (Sub-No. 17)]

## PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

### Practices of Motor Common Carriers; Waiver of Order for Service

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of August 1972.

It appearing, that by petition filed March 16, 1972, the Household Goods Carriers' Bureau seeks the amendment of § 1056.9 of the Commission's general rules and regulations (49 CFR 1056.9) so as to permit waiver of the requirement for an order for service on shipments moving on a government bill of lading and on shipments moving under paragraph (a) (3) of the definition of household goods set forth in 49 CFR 1056.1, when so requested in writing by the shipper;

It further appearing, that pursuant to section 553 of the Administrative Procedure Act, notice of the said petition was published in the FEDERAL REGISTER, which notice stated that no oral hearings were contemplated; that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the proposal; that individual representations were filed in support of the petition by Fernstrom Storage and Van Co., Neptune World Wide Moving, Inc., United Van Lines, Inc., Allied Van Lines, Inc., North American Van Lines, Inc., and Greyhound Van Lines, Inc., motor common carriers of household goods, North Electric Co., Burroughs Corp., and Univac Division, Sperry Rand Corp., shippers of commodities moving under the paragraph (a) (3) of the definition of household goods, Movers & Warehousemen's Association of America, Inc., and General Services Administration; and that no representations were filed in opposition to the petition;

It further appearing, that the uncontroverted evidence of record demonstrates that the order for service constitutes an unnecessary paperwork burden and actually has a negative value with respect to certain types of shipments of large-establishment shippers; that for the past 1.5 years, orders for service have not been issued on shipments of the Department of Defense, the largest shipper of household goods in the Nation; and that granting the relief sought should

not adversely affect the positive value which the order for service has with respect to shipments by individual shipper-owners of household goods;

Wherefore, and good cause appearing therefor:

It is ordered, That Part 1056 of Subchapter A of Chapter X of Title 40 of the Code of Federal Regulations be, and it is hereby, amended by adding a new § 1056.9(c), reading as follows:

#### § 1056.9 Order for service.

(c) *Waiver of order for service.* Upon written request from the shipper, the requirement for an order for service may be waived for shipments moving for the account of the Department of Defense on Government bills of lading and for shipments transported under § 1056.1(a) (3) of the household goods commodity description consisting of articles, including objects of art, displays, and exhibits, which because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

(49 Stat. 546, as amended, 558, as amended, 560, as amended, 563, as amended, 565, as amended; 49 U.S.C. 304, 315, 317, 319, 320, and 323)

It is further ordered, That this order shall become effective on October 5, 1972, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-14965 Filed 8-31-72;8:53 am]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

#### PART 10—MIGRATORY BIRDS

#### Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, pur-

chased, shipped, carried, or transported.

By a notice of proposed rule making published in the FEDERAL REGISTER of April 28, 1972 (37 F.R. 8530), notification was given that the Secretary of the Interior proposed to amend Part 10 of Title 50 of the Code of Federal Regulations. The amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1972-73 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice. After analysis of the migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife, by State game departments, and by other sources, the Director informed the States of the outside dates, season lengths, shooting hours, and daily bag and possession limits within which hunting would be permitted. The States were invited to submit recommendations for hunting seasons which complied with these frameworks.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. The amendments to be made to Subpart K of this Part 10 will permit taking of the designated species within specified periods of time beginning as early as September 1, as has been the case in past years. Therefore, since these amendments benefit the public by relieving existing restrictions, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest, and these amendments shall become effective upon publication in the FEDERAL REGISTER (9-1-72).

Part 10 of Title 50 CFR is amended by revising §§ 10.104 and 10.105 and by adding §§ 10.106 and 10.107 to read as follows:

§ 10.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe (Wilson's).

(a) Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows.

(b) The season dates, bag limits, and shooting hours published in this paragraph in the FEDERAL REGISTER of July 29, 1972 (37 F.R. 15310), have been incorporated, with additions, in paragraph (f) of this section.

(c) Gallinule: The season dates, bag limits, and shooting hours published in this paragraph in the FEDERAL REGISTER of July 29, 1972 (37 F.R. 15311), have been incorporated, with additions, in paragraph (f) of this section.

Daily bag limit..... 15  
 Possession limit..... 30  
 Shooting hours: One-half hour before sunrise to sunset.

Check State regulations for additional restrictions.

Seasons in:

Alabama	Nov. 7-Jan. 15
Arkansas	Nov. 7-Jan. 15
Colorado <sup>1</sup>	Closed season
Connecticut	Sept. 1-Nov. 9
Delaware	Sept. 1-Nov. 9
Florida <sup>4</sup>	Sept. 2-Nov. 10
Georgia	Nov. 7-Jan. 15
Illinois	Closed season
Indiana	Sept. 1-Nov. 9
Iowa	Closed season
Kansas	Sept. 1-Nov. 9
Kentucky	Nov. 16-Jan. 15
Louisiana	Sept. 1-Nov. 10
Maine	Sept. 1-Nov. 9
Maryland	Sept. 1-Nov. 9
Massachusetts	Sept. 1-Nov. 9
Michigan	Oct. 20-Dec. 3
Minnesota	Nov. 18-Jan. 1
Mississippi	Oct. 6-Nov. 24
Missouri	Oct. 1-Nov. 19
Montana <sup>1</sup>	Oct. 28-Jan. 5
Nebraska	Sept. 1-Nov. 9
New Hampshire	Closed season
New Jersey	Closed season
New Mexico <sup>1</sup>	Sept. 1-Nov. 9
New York <sup>4</sup>	Sept. 11-Nov. 9
North Carolina	Sept. 2-Nov. 10
North Dakota	Closed season
Ohio	Sept. 1-Nov. 9
Oklahoma	Sept. 1-Nov. 9
Pennsylvania	Sept. 1-Nov. 9
Rhode Island	Sept. 16-Nov. 24
South Carolina	Closed season
South Dakota	Nov. 25-Jan. 13
Tennessee	Sept. 1-Nov. 9
Texas	Sept. 30-Dec. 8
Vermont	Nov. 22-Jan. 5
Virginia	Oct. 14-Dec. 22
West Virginia	Oct. 7-Nov. 25
Wisconsin	Oct. 7-Dec. 15
Wyoming <sup>1</sup>	Oct. 7-Dec. 15

<sup>1</sup> Central Flyway States. See footnote 2

<sup>2</sup> States may establish their gallinule seasons at the time they select their duck seasons in August. Consult Regulatory Announcement 90 subparagraph (f) of this section and State regulations for information.

(d) Horicon zone:  
 (1) In Wisconsin during the 1972-73 waterfowl season, the kill of Canada geese will be limited to 28,000 birds; 16,000 of which may be taken in the area designated as the Horicon zone.  
 (2) The Horicon zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Washington, and Winnebago Counties. It is bounded on the east by U.S. Highway 45 from Oshkosh to Fond du Lac, and then State Highway 175 to Addison; on the south by State Highway 33 from Addison to Beaver Dam, and then U.S. Highway 151 to Columbus; on the west by State Highway 73 from Columbus to its intersection with State Highway 23, each of Princeton; and on the north by State Highway 23 from the intersection with State Highway 44 to Ripon, then State Highway 44 to Oshkosh.

(3) Seasons, limits, and shooting hours for Canada geese:

Horicon Zone	Remainder of State
Daily bag limit.....	1
Possession limit.....	1
Season dates.....	Oct. 12-Oct. 29, Oct. 7-Dec. 15;
Shooting hours:	One-half hour before sunrise until sunset.

(4) Each person hunting Canada geese in the Horicon zone must have been issued in his name and carry on his person a valid State hunting license, a valid Migratory Bird Hunting Stamp (duck stamp), and a valid Horicon zone Canada goose hunting permit with correspondingly numbered report card and metal Canada goose tag. Hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp. To be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession. The required permits and tags are nontransferable.

tion concerning gallinule seasons if the dates are not published in this table.  
<sup>3</sup> In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway), the season on gallinules is Sept. 11 to Nov. 9.  
<sup>4</sup> Florida gallinule season applicable to purple gallinule.

Atlantic, Mississippi, and Central Flyways

Rails (sora and Virginia)	Woodcock	Common snipe (Wilson's)
1 25	5	8
1 25	10	16

Shooting hours: One-half hour before sunrise until sunset on all species.  
 Check State regulations for additional restrictions.

Seasons in:

Alabama <sup>2</sup>	Nov. 7-Jan. 15	Dec. 26-Feb. 28
Arkansas	Sept. 1-Nov. 9	Dec. 1-Feb. 3
Colorado <sup>2</sup>	Sept. 9-Nov. 17	Sept. 9-Nov. 12
Connecticut <sup>4</sup>	Oct. 21-Dec. 23	Oct. 21-Dec. 23
Delaware <sup>4</sup>	Sept. 1-Nov. 9	Sept. 30-Nov. 4
Florida <sup>4</sup>	Sept. 2-Nov. 10	Nov. 23-Dec. 21
Georgia <sup>4</sup>	Sept. 21-Nov. 29	Nov. 11-Feb. 28
Illinois	Closed season	Dec. 12-Feb. 24
Iowa	Sept. 1-Nov. 9	Oct. 15-Dec. 15
Kansas	Sept. 2-Nov. 10	Sept. 23-Nov. 26
Kentucky	Sept. 1-Nov. 9	Sept. 9-Nov. 12
Louisiana	Nov. 16-Jan. 15	Nov. 16-Feb. 18
Maine <sup>4</sup>	Sept. 1-Nov. 9	Dec. 16-Feb. 18
Maryland <sup>4</sup>	Sept. 1-Nov. 9	Oct. 5-Dec. 8
Massachusetts	Sept. 1-Nov. 9	Oct. 5-Dec. 8
Michigan <sup>4</sup>	Sept. 15-Nov. 23	Sept. 12-Nov. 15
Minnesota <sup>4</sup>	Sept. 2-Nov. 10	Sept. 15-Nov. 23
Mississippi <sup>4</sup>	Oct. 28-Jan. 5	Sept. 2-Nov. 5
Missouri <sup>4</sup>	Sept. 1-Nov. 9	Dec. 18-Feb. 20
Montana <sup>4</sup>	Closed season	Oct. 1-Dec. 4
Nebraska <sup>4</sup>	Closed season	Closed season
New Hampshire	Sept. 1-Nov. 9	Sept. 15-Nov. 18
New Jersey <sup>4</sup> & <sup>10</sup>	Closed season	Oct. 1-Dec. 1
New Mexico <sup>4</sup>	Sept. 1-Nov. 9	Oct. 14-Dec. 16
New York <sup>4</sup> & <sup>10</sup>	Closed season	Oct. 14-Dec. 28
North Carolina <sup>4</sup>	Sept. 1-Nov. 9	Closed season
North Dakota	Sept. 2-Nov. 10	Sept. 20-Nov. 23
Ohio	Closed season	Sept. 9-Nov. 12
Oklahoma	Sept. 1-Nov. 9	Nov. 18-Jan. 20
Oregon	Sept. 1-Nov. 9	Closed season
Pennsylvania	Sept. 1-Nov. 9	Sept. 16-Nov. 19
Rhode Island	Sept. 1-Nov. 9	Sept. 15-Nov. 18
South Carolina <sup>4</sup>	Sept. 16-Nov. 24	Oct. 21-Dec. 24
South Dakota	Nov. 4-Jan. 12	Oct. 14-Dec. 16
Tennessee	Closed season	Oct. 21-Dec. 8
Texas	Nov. 25-Jan. 13	Dec. 18-Jan. 2
Vermont	Sept. 1-Nov. 9	Dec. 18-Jan. 2
Virginia <sup>4</sup>	Sept. 30-Dec. 3	Dec. 26-Feb. 28
West Virginia	Sept. 15-Nov. 23	Sept. 1-Oct. 31
Wisconsin	Oct. 14-Dec. 22	Nov. 18-Jan. 21
Wyoming <sup>4</sup>	Oct. 7-Dec. 15	Nov. 18-Jan. 21
	Oct. 7-Dec. 15	Sept. 30-Dec. 3
	Oct. 7-Dec. 15	Nov. 13-Jan. 16
	Oct. 7-Dec. 15	Nov. 13-Jan. 16
	Oct. 7-Dec. 15	Oct. 14-Dec. 17
	Oct. 7-Dec. 15	Sept. 16-Nov. 19
	Oct. 7-Dec. 15	Oct. 7-Dec. 10

<sup>1</sup> Apples singly or in the aggregate of these 2 species.  
<sup>2</sup> In the State of Alabama:  
 a. In addition to the limits on sora and Virginia rails, there is a daily bag and possession limit of 15 king and clapper rails, singly or in the aggregate of these latter 2 species.  
 b. The daily bag and possession limit for woodcock is 5.  
<sup>3</sup> The daily bag and possession limit for snipe is 8.  
<sup>4</sup> In addition to the limits on sora and Virginia rails, there is a daily bag limit of 7 and a possession limit of 14 king and clapper rails, singly or in the aggregate of these latter 2 species.  
<sup>5</sup> In addition to the limits on sora and Virginia rails, there is a daily bag limit of 15 and a possession limit of 30 king and clapper rails, singly or in the aggregate of these latter 2 species.  
<sup>6</sup> In 5 special areas designated by the State, there is an additional open season from Sept. 15-30 for rails.  
<sup>7</sup> The season for snipe will open and run concurrently with the open season for ducks: *Provided*, That the season shall not extend beyond the last day of the duck season or 49 days, whichever is the shorter period.  
<sup>8</sup> In 5 special areas designated by the State, there is an additional open season from Sept. 15-30.  
<sup>9</sup> The season for woodcock is closed on November 10 and reopens on November 11 at 9 a.m.  
<sup>10</sup> In the States of New Jersey and New York, shooting hours for woodcock are sunrise to sunset.  
<sup>11</sup> In the State of New York:  
 a. The season for rails in the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway) is Sept. 11-Nov. 9.  
 b. The season for woodcock and/or snipe in the Southern Zone is Oct. 2-Nov. 23.  
 c. Maine—Snipe and Woodcock, Southern Zones dates Oct. 2-Nov. 23.

(5) Immediately after a Canada goose is killed and reduced to possession in the Horicon zone, the tag must be affixed and securely locked through the nostrils of the Canada goose. The goose may not be carried by hand or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag is not valid for reuse.

(6) It is mandatory that each person hunting in the Horicon zone, report on tag use or nonuse, using the report card provided, within 12 hours after the close of the Canada goose season in the Horicon zone.

(7) No special permit is required to hunt blue or snow geese anywhere in Wisconsin, including the Horicon zone.

(8) Application procedure:  
 (1) Applications will be made available to the public about the middle of August and must be returned no later than September 9, 1972. All applications postmarked after September 9, 1972, will be disqualified, except applications from persons in the military service on duty outside the State during the regular application period. Applications from military personnel postmarked after September 9, 1972, will be accepted if they are accompanied by a notarized statement attesting to such duty outside the State. All incomplete, illegible, tardy, or duplicate applications, will be disqualified. A duplicate application will disqualify all applications by an individual.

(ii) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin conservation department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

(iii) Each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags authorized, successful applicants will be randomly selected. Nonresident applicants will not be discriminated against. If two or more persons wish to hunt together in the Horicon zone, each must fill out an application form and submit them together in an envelope marked "Group Application." Group applications will be considered in the selection as one application.

(9) Those persons not issued a Horicon zone permit and tag will not be so notified, but they may hunt Canada geese outside the Horicon zone during the regular Wisconsin goose season where no special permit is required.

(e) Atlantic, Mississippi, and Central Flyways:

ment attesting to such duty outside the State. All incomplete, illegible, tardy, or duplicate applications, will be disqualified. A duplicate application will disqualify all applications by an individual.

(ii) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin conservation department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

(iii) Each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags authorized, successful applicants will be randomly selected. Nonresident applicants will not be discriminated against. If two or more persons wish to hunt together in the Horicon zone, each must fill out an application form and submit them together in an envelope marked "Group Application." Group applications will be considered in the selection as one application.

(9) Those persons not issued a Horicon zone permit and tag will not be so notified, but they may hunt Canada geese outside the Horicon zone during the regular Wisconsin goose season where no special permit is required.

(e) Atlantic, Mississippi, and Central Flyways:

Ducks (except mergansers)	Mergansers	Coots	Geese
Daily bag limit.....	4 1/2 Further variations footnoted.	5	5 (Variations footnoted).
Possession limit.....	8 1/2 Further variations footnoted.	10	30
Shooting hours..... One-half hour before sunrise until sunset.			

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Alabama 2 2 21	Dec. 2-Jan. 20	Nov. 12-Jan. 20
Arkansas 2 2 17	Nov. 24-Jan. 13	Nov. 12-Jan. 20
Colorado 13 14 17	See § 10.105(g)-Point system.	Oct. 23-Jan. 14
Connecticut 10 19	(Oct. 21-Nov. 4)	Oct. 21-Nov. 25
Delaware 14 19	(Nov. 4-Nov. 25)	Dec. 9-Jan. 11
Florida 3	(Dec. 16-Jan. 12)	Nov. 4-Dec. 9
Georgia 3	See § 10.105(g)-Point system.	Dec. 16-Jan. 13
Illinois 2 2 29	Dec. 2-Jan. 20	
Alexander, Jackson, Union, and Wisconsin Counties 14	See § 10.105(g)-Point system.	
Remainder of State		Nov. 20-Jan. 5
Indiana 9 22	(Nov. 3-Dec. 10)	Oct. 28-Jan. 5
Iowa 19 30	(Dec. 23-Jan. 3)	
Kansas 14 21 29	See § 10.105(g)-Point system	Oct. 7-Dec. 15
Kentucky 2 23 27	See § 10.105(g)-Point system	Oct. 14-Dec. 10
Footnotes at end of table.	Dec. 2-Jan. 20	Dec. 15-Dec. 31

Ducks (except mergansers)	Mergansers	Coots	Geese
Daily bag limit.....	4 1/2 Further variations footnoted.	5	5 (Variations footnoted).
Possession limit.....	8 1/2 Further variations footnoted.	10	30
Shooting hours..... One-half hour before sunrise until sunset.			

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Louisiana 2 2 22	(Nov. 4-Nov. 26)	Nov. 4-Nov. 26
Maine 10 18	(Dec. 16-Jan. 1)	Dec. 16-Jan. 31
Maryland 18	(Oct. 9-Nov. 2)	Oct. 2-Dec. 10
Massachusetts 10 18	(Nov. 22-Dec. 16)	Nov. 1-Nov. 24
Michigan 12 19 25	(Dec. 9-Jan. 8)	Dec. 4-Jan. 18
Minnesota 12 19 25	Nov. 18-Jan. 8	Nov. 18-Jan. 17
Mississippi 22 23 27	Oct. 20-Jan. 3	Oct. 20-Oct. 28
Missouri 22 23 27	Oct. 20-Jan. 3	Oct. 1-Nov. 30
Montana 13 14 17	See § 10.105(g)-Point system.	Oct. 1-Dec. 9
Nebraska 14 21 29	Oct. 1-Nov. 19	(Oct. 21-Nov. 9)
New Hampshire 19 19	Dec. 2-Jan. 20	Oct. 29-Jan. 6
New Jersey 18	Oct. 24-Dec. 17	Oct. 1-Dec. 29
New Mexico 13 14 17 40	See § 10.105(g)-Point system.	(Oct. 1-Oct. 29)
New York 14 19	See § 10.105(g)-Point system.	(Nov. 2-Dec. 14)
Long Island area 8 41	(Oct. 7-Oct. 29)	Oct. 7-Oct. 29
Lake Champlain area 10 49	Nov. 18-Dec. 14	Nov. 18-Jan. 3
Remainder of State 7	See § 10.105(g)-Point system.	Oct. 14-Dec. 22
North Carolina 8 15	See § 10.105(g)-Point system.	Oct. 23-Jan. 24
North Dakota 4 11 14 48	Nov. 20-Jan. 8	Nov. 20-Jan. 20
Ohio:	(Oct. 7-Oct. 15)	Oct. 7-Dec. 15
Pymatuning area 7 18 44	(Oct. 28-Dec. 7)	Oct. 2-Dec. 10
Remainder of State 9 22	(Dec. 22-Dec. 31)	Nov. 22-Nov. 25
Oklahoma 14 44 45	(Dec. 5-Jan. 20)	Dec. 5-Jan. 20
Pennsylvania 7 18 46	Oct. 1-Dec. 9	Oct. 1-Dec. 11
Rhode Island 18 17	See § 10.105(g)-Point system.	Oct. 7-Oct. 14
South Carolina 8 16	(Oct. 7-Dec. 16)	Oct. 28-Dec. 16
South Dakota 14 21 24	(Oct. 21-Oct. 23)	Oct. 19-Dec. 22
Tennessee 22	(Nov. 20-Jan. 15)	Dec. 28-Dec. 30
Texas 44 48	(Nov. 22-Dec. 2)	Oct. 14-Nov. 19
Vermont 10 18 40	(Dec. 18-Jan. 20)	Dec. 8-Jan. 11
Virginia 7	See § 10.105(g)-Point system.	Oct. 7-Dec. 15
Back Bay area 10 49	(Oct. 28-Dec. 16)	Oct. 28-Dec. 16
Remainder of State 15	(Nov. 20-Jan. 15)	Nov. 15-Jan. 30
West Virginia 7 18	(Nov. 22-Dec. 2)	Nov. 22-Jan. 20
Wisconsin 21 41	(Dec. 18-Jan. 20)	Dec. 18-Jan. 20
Wyoming 13 14 17	See § 10.105(g)-Point system.	Oct. 1-Dec. 11

1 In all States the season is closed on canvasback and redhead ducks.  
 2 In all States the daily bag limit may not include more than 2 wood ducks and the possession limit may not include more than 2 hen mallards and the possession limit is 4 hen mallards.  
 3 In all States the daily bag limit may not include more than 1 and the possession limit may not include more than 2 hen mallards and the possession limit is 5 ducks and the possession limit is 10 ducks.  
 4 The daily bag limit is 2 hen mallards and the possession limit is 4 hen mallards.  
 5 The daily bag limit is 5 ducks and the possession limit is 10 ducks.  
 6 The daily bag limit is 6 ducks and the possession limit is 12 ducks.

- 7 The daily bag limit is 3 and the possession limit is 6 ducks, of which not more than 1 daily and 2 in possession may be black ducks.
- 8 The daily bag limit is 5 and the possession limit is 10 ducks, of which not more than 1 daily and 2 in possession may be black ducks, and not more than 4 daily and 8 in possession may be mallard ducks.
- 9 The daily bag limit is 6 and the possession limit is 12 ducks, of which not more than 2 daily and 4 in possession may be mallard ducks, nor more than 2 daily and 4 in possession may be wood ducks.
- 10 The daily bag limit may not include more than 2 and the possession limit may not include more than 4 black ducks.
- 11 In that portion of North Dakota lying west of State Highway 3, the daily bag limit may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each. In that portion of North Dakota lying east of State Highway 3, the daily bag limit may not include more than 1 Canada goose, or 2 white-fronted geese, or 1 of each. The possession limit in North Dakota may not include more than 2 Canada and white-fronted geese singly or in the aggregate of these species.
- 12 The daily bag limit may not include more than 15 and the possession limit may not include more than 30 coots and gallinules singly or in the aggregate of these species.
- 13 The Central Flyway portion consists of:
  - Colorado and Wyoming: The area lying east of the Continental Divide.
  - Montana, and the counties of Blaine, Fergus, Judith Basin, Sweet Grass, Stillwater, Carbon, and all counties east thereof.
  - New Mexico: The area lying east of the Continental Divide outside the boundaries of the Jicarilla Apache Indian Reservation.
- 14 The daily bag and possession limits may not include more than 1 Ross' goose.
- 15 Shooting hours for geese are sunrise until 3 p.m.
- 16 The daily bag limit is 1 and the possession limit is 2 geese (except blue and snow geese on which the season is closed in the Atlantic Flyway).
- 17 The daily bag limit is 2 and the possession limit is 4 geese.
- 18 The daily bag limit is 3 and the possession limit is 6 geese (except blue and snow geese on which the season is closed in the Atlantic Flyway).
- 19 The daily limit may not exceed 1 Canada goose and 1 white-fronted goose. The possession limit may not exceed 1 Canada goose and 3 white-fronted geese or 4 white-fronted geese.
- 20 The daily bag limit may not include more than 1 Canada goose, or 2 white-fronted geese, or 1 of each; and the possession limit may not include more than 2 Canada geese and 2 white-fronted geese.
- 21 The daily bag and possession limits may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.
- 22 The daily bag and possession limits may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each.
- 23 The daily bag limit may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each; and the possession limit may not include more than 4 Canada and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese.
- 24 In South Dakota the daily bag limit may not include more than 1 Canada goose and 1 white-fronted goose and the possession limit may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.
- 25 In the States of Arkansas and Louisiana and in the Mississippi counties of Issaquena, Sharkey, and Washington, the season is closed on Canada geese, and the daily bag and possession limit may not include more than 2 white-fronted geese.
- 26 Notwithstanding the provisions of §10.39, geese taken in the States of Illinois, Kentucky, and Missouri may not be transported, shipped, or delivered for transportation or shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter who took the birds.
- 27 In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 28,000 birds in each State.
- 28 When it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that the quota of Canada geese allotted to the State of Illinois or to the Swan Lake area of Missouri will have been killed, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and day of closing.
- 29 The open season on Canada geese is Oct. 7-29.
- 30 For the lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the north boundary of Louisiana and latitude 31° N., the season dates and bag limits for geese are the same as those of Mississippi.
- 31 For the lands and waters of the State of Louisiana lying westerly of the center line of the main navigable channel of the Mississippi River between the north boundary of Louisiana and latitude 31° N., the season dates and bag limits for geese are the same as those of Louisiana.
- 32 The Coastal zone includes all coastal lands and waters lying seaward of a line running south from the New Hampshire border along U.S. Highway 1 to State Route 3, along State Route 3 to U.S. Highway 6 at the Cape Cod Canal, and then west along U.S. Highway 6 to the Rhode Island border.
- 33 The Inland zone includes all lands and waters lying inland of the Coastal zone.

35 The season on Canada geese, except in the Southeastern zone, is Oct. 1-12. In the Southeastern zone, the season on Canada geese is concurrent with the season for other geese.

The Southeastern zone includes that portion of the State lying between Interstate Highway 35 and the Mississippi River and between the Twin Cities and the Iowa border. Consult State regulations for specific boundaries.

37 In Lafayette, Marshall, and Panola Counties the daily bag and possession limits may not include more than 1 Canada goose.

38 In the State of Missouri:

- a. In the Squaw Creek area, consisting of Atchison and Holt Counties and those portions of Andrew and Nodaway Counties lying west of U.S. Highway 71, the open season on Canada geese is Oct. 29-Nov. 27.
- b. In the Swan Lake quota area, consisting of those portions of the counties of Livingston, Carroll, Lafayette, Saline, Howard, Chariton, and Linn, bounded by roads starting at the junction of U.S. Highways 36 and 65 at Chillicothe, thence south along U.S. Highway 66 to the junction with State Highway 240, thence north and east along State Highway 240 to the junction with State Highway 5 at Glasgow, thence north along State Highway 5 to the junction with U.S. Highway 36 north of Marcelline, thence west along U.S. Highway 36 to the point of beginning, the season on Canada geese opens on Nov. 1 and closes when the quota of 14,000 birds has been exhausted or on Jan. 9, whichever comes first.
- c. In the Lower Mississippi zone, consisting of the area lying east of a line running south along U.S. Highway 61 from its junction with U.S. Highway 67 until it becomes Interstate Highway 55, then south along Interstate Highway 55 to the Arkansas border, the season on Canada geese is Dec. 1-Jan. 26. The daily bag limit may not include more than 2 white-fronted geese, or 1 of each, and the possession limit may not include more than 4 Canada geese, or 2 white-fronted geese, or 1 of each, of which not more than 2 may be white-fronted geese.
- 4. In the remainder of the State, the season on Canada geese is Oct. 29-Nov. 18.
- 5. In the States of Kansas, Nebraska, Oklahoma, and Texas, the season on Canada geese, or 1 white-fronted goose, or 1 of each, may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.
- 6. In the States of Kansas, Nebraska, Oklahoma, and Texas, the season on Canada geese, or 1 white-fronted goose, or 1 of each, may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.
- 7. In Bemisville, Sandwell, Sistar, Secor, and Valencia Counties the daily bag limit is 1 and the possession limit is 2 geese, and the open season on geese is Dec. 30-Jan. 14.
- 8. The Long Island area consists of all of Nassau and Suffolk Counties and that part of Westchester County south of the Hutchinson River Parkway.
- 9. The Lake Champlain area includes that part of New York State lying east and north of a line running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York State Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border, along New York State Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.
- 10. In that portion of North Dakota lying east of State Highway 3, the daily bag limit may not include more than 1 Canada goose, or 2 white-fronted geese, or 1 of each. In that portion of North Dakota lying west of State Highway 3, the daily bag limit may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each. The possession limit in North Dakota may not include more than 2 Canada and white-fronted geese singly or in the aggregate of these species.
- 11. The Pymatuning Reservoir area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.
- 12. The daily bag limits may not include more than 1 goose.
- 13. The possession limits may not include more than 2 wood ducks.
- 14. In Alfalfa, Bryan, Johnson, and Marshall Counties, the daily bag limit may not include more than 1 Canada goose and 1 white-fronted goose, and the possession limit may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.
- 15. In the State of Pennsylvania:
  - a. The possession limit on ducks may not include more than 2 wood ducks.
  - b. In Crawford County the daily bag limit is 1 goose.
  - c. Not used.
- 16. In that portion of Texas lying east of U.S. Highway 81, the daily bag limit may not include more than 1 Canada goose or 1 white-fronted goose, and the possession limit may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each; and in that portion of Texas lying west of U.S. Highway 81, the daily bag and possession limits may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.
- 17. In Addison County, the daily bag limit is 2 and the possession limit is 4 geese.
- 18. The Back Bay area of Virginia includes Back Bay and its tributaries and marshes adjacent thereto, the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina border, North Landing River and marshes adjacent thereto, and Lake Tecumseh and Red Wing Lake and the marshes adjacent thereto.
- 19. The daily bag limit is 1 Canada goose, 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. The hunting of Canada geese in the Horizon Zone is subject to special regulations (§ 10.105(d)).

## (f) Pacific Flyway:

	Ducks (except mergansers)	Mergansers	Coots and gallinule	Geese	Brant	Common Snipe (Wilson's)
Daily bag limit.....	6	5	25	6	4	8
Possession limit.....	12	10	25	6	8	15
Shooting hours.....	One-half hour before sunrise until sunset.					

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:			
Arizona <sup>1</sup> .....	{ Oct. 1-Oct. 23. Nov. 12-Jan. 20.	Nov. 12-Jan. 7.	Nov. 12-Jan. 20.
California <sup>2</sup> .....		Jan. 20-Feb. 20.	
Tule Lake area.....	Oct. 14-Jan. 14.	Oct. 14-Jan. 14.	
Colo. River area <sup>3</sup> .....	{ Oct. 1-Oct. 23. Nov. 12-Jan. 20.	Nov. 12-Jan. 7.	
Northern zone <sup>4</sup> .....	{ Oct. 14-Dec. 20. Dec. 27-Jan. 20.	Oct. 14-Dec. 20.	{ Jan. 20-Feb. 20. Oct. 7-Nov. 18.
Southern zone <sup>5, 7, 17</sup> .....	{ Oct. 7-Nov. 18. Dec. 2-Jan. 20.	Oct. 7-Nov. 18.	{ Jan. 20-Feb. 20. Dec. 2-Jan. 20.
Colorado <sup>6, 9</sup> .....	{ Oct. 1-Oct. 13. Nov. 2-Jan. 20.	Oct. 21-Dec. 17.	{ Oct. 1-Oct. 13. Nov. 2-Jan. 20.
Idaho <sup>10, 11, 12, 13</sup> .....	Oct. 7-Jan. 7.	Oct. 7-Jan. 7.	Oct. 7-Jan. 20.
Columbia Basin area <sup>21</sup> .....	Oct. 7-Jan. 20.		
Montana <sup>14, 15</sup> .....	Oct. 1-Jan. 1.	Oct. 1-Dec. 31.	Oct. 1-Jan. 1.
Nevada:			
Clark and Lincoln Counties <sup>16</sup> .....	{ Oct. 1-Oct. 23. Nov. 12-Jan. 20.	Nov. 12-Jan. 7.	{ Oct. 1-Oct. 23. Nov. 12-Jan. 20.
Remainder of State.....	Oct. 7-Jan. 7.	Oct. 21-Jan. 20.	Oct. 7-Jan. 7.
New Mexico <sup>18, 19</sup> .....	Oct. 1-Jan. 20.	Nov. 4-Jan. 7.	Oct. 1-Jan. 20.
Oregon <sup>14, 15, 21</sup> .....	Oct. 14-Jan. 14.	Oct. 14-Jan. 14.	Nov. 20-Feb. 20.
Columbia Basin area <sup>22</sup> .....	Oct. 14-Jan. 20.		Oct. 14-Jan. 14.
Utah <sup>18</sup> .....	Oct. 7-Jan. 7.	Oct. 14-Dec. 17.	Oct. 7-Jan. 7.
Washington <sup>11, 12</sup> .....	Oct. 14-Jan. 14.	Oct. 14-Jan. 14.	Nov. 20-Feb. 20.
Columbia Basin area <sup>23</sup> .....	Oct. 14-Jan. 20.		Oct. 14-Jan. 14.
Wyoming <sup>14, 15, 20</sup> .....	Oct. 1-Dec. 31.	{ Oct. 14-Nov. 12. Nov. 27-Dec. 31.	Oct. 1-Dec. 31.

<sup>1</sup> In all States the season on canvasback ducks is closed.

<sup>2</sup> In all States, the daily bag limit may not include more than 1 and the possession limit may not include more than 2 hooded mergansers.

<sup>3</sup> Daily bag and possession limits apply singly or in the aggregate of these species.

<sup>4</sup> In all States the daily bag limit may not include more than 3 geese of the dark species, and the daily bag and possession limits may not include more than 1 Ross' goose.

<sup>5</sup> The daily bag and possession limits may not include more than 2 Canada geese.

<sup>6</sup> The Tule Lake area, Colorado River area, Northern Zone and Southern Zone are defined in title 14 section 5032 of the California Administrative Code.

<sup>7</sup> In that portion of California Fish and Game District No. 22 not included in the Colorado River area, the daily bag and possession limits may not include more than 1 Canada goose.

<sup>8</sup> The daily bag and possession limit is 7 ducks.

<sup>9</sup> Pacific Flyway portion consists of:

Colorado and Wyoming: The area lying west of the Continental Divide.

Montana: The counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

New Mexico: The area lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation.

<sup>10</sup> Season for Canada geese, west of U.S. Highway 93 (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater, and Idaho counties), Oct. 7, 1972-Dec. 31, 1972.

<sup>11</sup> The daily bag limit is 3 and the possession limit is 9 geese.

<sup>12</sup> In the Idaho counties of Clark, Fremont, Madison, and Teton and in the Montana counties of Beaverhead, Gallatin, and Madison the season is closed on snow and Ross' geese.

<sup>13</sup> Season for Canada geese, east of U.S. Highway 93, Oct. 7, 1972-Dec. 10, 1972.

<sup>14</sup> In Baker and Malheur Counties season for ducks, coots, and geese opens Oct. 7. Season for geese closes Dec. 31.

<sup>15</sup> There is no open season on geese north of U.S. Highway 66.

<sup>16</sup> In the Columbia Basin areas of Oregon, Utah, and Washington, shooting hours are one-half hour before sunrise to one-half hour after sunset, with a bag limit on ducks of 7 daily and 14 in possession.

<sup>17</sup> Canada geese only, Oct. 23-Nov. 18, Dec. 2-Jan. 7.

<sup>18</sup> Seven daily, 14 in possession.

<sup>19</sup> In Adams, Franklin, Grant, Walla Walla, Lincoln, Douglas, Yakima, Benton, Klickitat, and Kittitas Counties the goose season is Oct. 14-Jan. 20.

<sup>20</sup> Canada goose season may not extend beyond Dec. 17.

<sup>21</sup> In Morrow, Wasco, Sherman, Gilliam, and Umatilla Counties, the goose season is Oct. 14-Jan. 20.

<sup>22</sup> The Columbia Basin area as defined in the State's regulations.

(g) Point system: Ducks, mergansers, species on a statewide basis, in place of and coots. The States listed in this paragraph have selected the experimental conventional bag limits.

(1) The point values for the species and sexes taken are as follows: \*

100 points	90 points	20 points
Fulvous tree duck. <sup>1</sup>	Hen mallard. Wood duck. Black duck. <sup>7</sup> Hooded merganser.	Drake mallard. Hen pintail. Ringneck duck. Green-winged teal. <sup>1</sup> Mottled duck. <sup>1</sup> New Mexican duck. <sup>2</sup>
	10 points	0 points

All other sexes and species of ducks and mergansers<sup>3</sup> (canvasbacks and redheads are closed).

<sup>1</sup> Point value for Florida and New Jersey only.

<sup>2</sup> Point value for Colorado, Kansas, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming only.

<sup>3</sup> In New Jersey, during any part of the regular sea duck open season (Sept. 23-Jan. 7) which falls outside the point system season the regular sea duck limit of 7 daily and 14 in possession will apply.

<sup>4</sup> No point value but conventional bag limits of 15 daily and 30 in possession apply.

<sup>5</sup> Point value for Florida only.

<sup>6</sup> The season is closed on canvasback and redhead ducks.

<sup>7</sup> Point value for Mississippi and Atlantic Flyways.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days.

Seasons in:

Colorado <sup>1</sup> .....	{ Oct. 1-Oct. 11 Oct. 28-Jan. 14
Florida.....	Nov. 23-Jan. 20
Illinois <sup>7</sup> .....	Oct. 28-Dec. 15
Iowa <sup>7</sup> .....	{ Oct. 7-Oct. 12 Oct. 21-Dec. 3
Kansas:	
High Plains area <sup>4</sup> .....	{ Oct. 21-Dec. 10 Dec. 13-Jan. 20
Remainder of State.....	{ Oct. 21-Dec. 10 Dec. 13-Jan. 31
Michigan <sup>7</sup> .....	Oct. 6-Nov. 24
Montana <sup>1</sup> .....	Oct. 1-Dec. 29
Nebraska:	
High Plains area <sup>2</sup> .....	Oct. 7-Jan. 4
Remainder of State.....	Oct. 7-Dec. 15
New Jersey.....	{ Oct. 14-Oct. 21 Nov. 16-Jan. 6
New Mexico <sup>1</sup> .....	Oct. 28-Jan. 24
Oklahoma:	
High Plains area <sup>5</sup> .....	Dec. 6-Jan. 24
Remainder of State.....	{ Oct. 21-Nov. 19 Dec. 6-Jan. 14

Footnotes at end of table.

Seasons in—Continued

South Dakota:	
High Plains area <sup>2</sup> -----	Dec. 19-Jan. 7
Remainder of State-----	Oct. 1-Dec. 9
Texas:	
High Plains area <sup>3</sup> -----	Oct. 15-Nov. 26
-----	Dec. 9-Jan. 24
Remainder of State-----	Nov. 4-Nov. 26
-----	Dec. 9-Jan. 24
Wyoming <sup>1</sup> -----	Oct. 1-Nov. 5
-----	Nov. 23-Jan. 15

<sup>1</sup> Central Flyway portion of the State.  
<sup>2</sup> That portion of the State lying west of a line running south from the South Dakota border along U.S. Highway 183 to the junction with U.S. 20; thence west on U.S. 20 to the junction with Nebraska State Highway 7; thence south on Nebraska 7 to the junction with Nebraska 91; thence southwest on Nebraska 91 to the junction with Nebraska 2; thence southeast on Nebraska 2 to the junction with Nebraska State Highways 70 and 92; thence west on Nebraska 70 and 92 to the junction with Nebraska 40; thence south on Nebraska 40 to the junction with Nebraska 47; thence south on Nebraska 47 to the junction with Nebraska 23; thence east on Nebraska 23 to the junction with U.S. Highway 283; thence south on U.S. 283 to the Kansas State line.

<sup>3</sup> That portion of the State lying west of a line running south from the North Dakota border along U.S. Highway 83 to the junction with U.S. 14; thence east on U.S. 14 to Blunt; thence south on county gravel road to the junction with U.S. 34; thence southwest across Big Bend Reservoir along buoy markers to Fort Defiance Road; thence west to southbound county gravel road; thence south to the junction of U.S. 16 and 183 at Presho; thence south on U.S. 183 to the Nebraska State line.

<sup>4</sup> That portion of the State lying west of U.S. Highway 283.  
<sup>5</sup> The counties of Beaver, Texas, and Cimarron.

<sup>6</sup> Beginning on U.S. 183 at the Texas Oklahoma border thence along U.S. 183 south and west to U.S. 283, thence south along U.S. 283 to U.S. 180 at Albany, thence along U.S. 180 to State Route 351, thence along State Route 351 to U.S. 277, thence along U.S. 277 to the international toll bridge at Del Rio.

<sup>7</sup> Shooting hours are from sunrise to sunset daily.

(h) Scaup only season: A special open hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit-----	5
Possession limit-----	10
Shooting hours: One-half hour before sunrise until sunset.	

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Season in:	
Connecticut-----	Jan. 16-Jan. 31
Florida-----	Jan. 21-Jan. 31
Massachusetts (coastal zone only)-----	Jan. 2-Jan. 17
Michigan-----	Nov. 25-Dec. 10
New York (Long Island area only)-----	Jan. 9-Jan. 24
Rhode Island-----	Jan. 16-Jan. 31
West Virginia-----	Nov. 3-Nov. 18

(i) Extra teal during regular season: An open hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit-----	2
Possession limit-----	4
Shooting hours: One-half hour before sunrise until sunset.	
Check State regulations for additional restrictions.	

Seasons in:	
Connecticut-----	Oct. 21-Oct. 28
Delaware-----	Nov. 4-Nov. 12
Kentucky-----	Dec. 2-Dec. 10
Maryland-----	Nov. 6-Nov. 14
Minnesota-----	Oct. 1-Oct. 9
New Hampshire-----	Oct. 7-Oct. 15
New York (except Long Island area):	
Upstate-----	Oct. 2-Oct. 10
Lake Champlain area--	Oct. 7-Oct. 15
North Carolina-----	Dec. 5-Dec. 13
North Dakota-----	Oct. 1-Oct. 9
Rhode Island-----	Oct. 21-Oct. 23
South Carolina-----	Jan. 12-Jan. 20
Vermont (including Lake Champlain area)-----	Oct. 7-Oct. 15
Virginia-----	Nov. 22-Nov. 30
West Virginia-----	Oct. 14-Oct. 22
Wisconsin-----	Oct. 7-Oct. 15

(j) Extra scaup during regular season: The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. This extra limit is in addition to the regular duck bag limit and unless otherwise specified, it may be taken during the entire regular duck season.

- Alabama.
- Arkansas.
- Delaware.
- Georgia.
- Indiana.
- Kentucky.
- Louisiana.
- Maine.
- Maryland (sea duck zone only).
- Minnesota.
- Mississippi (counties of Hancock, Harrison, and Jackson, south of Highway 90).
- Missouri.
- New Hampshire.
- New York (Lake Champlain, Oct. 28-Dec. 7).
- North Carolina.
- Ohio (Nov. 1-Dec. 2; Dec. 26-Dec. 30).
- Pennsylvania.
- South Carolina.
- Vermont (Lake Champlain only, Oct. 28-Dec. 7).
- Virginia.
- Wisconsin (Nov. 1-Nov. 25).

§ 10.106 Seasons and limits on little brown cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking little brown cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado, excluding the San Luis Valley, season dates are October 1–November 5, 1972.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 to U.S. Highway 277 at San

Angelo, and along U.S. Highway 277 to the international toll bridge in Del Rio; season dates are October 28, 1972–January 28, 1973.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border; season dates are December 2, 1972–January 28, 1973.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh; and in part of South Dakota described as follows: From the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border; the season dates are November 11–December 10, 1972.

(e) In Phillips County, Mont., the season dates are October 1–November 6, 1972.

(f) In Platte and Goshen Counties, Wyo., the season dates are October 7–November 5, 1972.

§ 10.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the States of Montana, Nevada, and Utah, subject to the following conditions:

- (a) The season must run concurrently with the season for ducks.
- (b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the county of Teton.
- (c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the county of Churchill.
- (d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan.

(e) Permit forms and correspondingly numbered metal locking seals furnished by the Bureau must be issued by the appropriate Department of Game and Fish on an equitable basis without charge.

Each person must have been issued, and carry on his person while hunting, a properly validated 1972–73 whistling swan permit. When a whistling swan has been killed by a hunter and reduced to possession, he must immediately attach and lock the metal seal and the proper portion of his numbered permit around the right wing of the swan close to its body.

HOLLIS M. DOLE,  
 Acting Secretary of the Interior.  
 AUGUST 24, 1972.

[FR Doc. 72-14774, Filed 8-31-72; 8:45 am]

SUBCHAPTER C—THE NATIONAL WILDLIFE  
REFUGE SYSTEM

PART 32—HUNTING

Carolina Sandhills National Wildlife  
Refuge, S.C.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-1-72).

§ 32.12 Special regulations; migratory  
game birds; for individual wildlife  
refuge areas.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE  
REFUGE

Public hunting of mourning doves is permitted on the open area of Carolina Sandhills National Wildlife Refuge, S.C. This open area, comprising approximately 450 acres, is delineated on a map available at refuge headquarters, McBee, S.C. 29101, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions:

(1) *Open season.* September 2, 1972— from noon until 4 p.m. September 9, 16, 23, and 30, 1972—from noon until official sunset.

(2) *Species and bag limit.* Mourning doves only—12 birds per hunter each day. Hunters must leave the hunting area upon completing bag limits.

(3) *Permits and entry.* Permits will be issued on a first-come, first-served basis to 150 hunters each day. Permits will be available from a checking station located across South Carolina Highway 145 from the Lake Bee Recreation Area. Sale of permits will begin at 10 a.m. on the day of the hunt and will cost \$2 each on opening day and \$1 each for subsequent hunts. Each hunter must secure his own permit and personally sign for the permit to be valid.

(4) *Vehicles and shooting sites.* Hunters must enter the hunting area at designated entrance points and utilize specified parking areas. These will be posted with signs. Maximum speed is 35 m.p.h. Loaded firearms in vehicles are prohibited. Soybean fields are CLOSED TO ALL ENTRY during the hunts to protect interest of the refuge's cooperative farmer. Therefore, hunters and dogs are not to enter soybean fields under any circumstances.

(5) *Weapons.* Only shotguns and shells with shot sizes No. 6 or smaller are allowed. Shotguns capable of holding more than three shells (one in the chamber

and two in the magazine) must be plugged in accordance with applicable State and Federal regulations. Guns must be unloaded and either encased or disassembled while being transported on the refuge.

(6) *Dogs.* Retrievers are allowed on the hunting area; however, they must be under control at all times. Hunters utilizing retrievers must have their permits appropriately stamped to authorize having dogs on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1972.

C. EDWARD CARLSON,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

AUGUST 25, 1972.

[FR Doc.72-14895 Filed 8-31-72;8:46 am]

PART 32—HUNTING

Sand Lake National Wildlife Refuge,  
S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-1-72).

§ 32.22 Special regulations; upland  
game; for individual wildlife refuge  
areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) The open season for hunting pheasants on the refuge is from December 4, 1972, through December 17, 1972, inclusive.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside of the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through December 17, 1972.

LYLE J. SCHOONOVER,  
Refuge Manager, Sand Lake  
National Wildlife Refuge.

AUGUST 24, 1972.

[FR Doc.72-14896 Filed 8-31-72;8:46 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife  
Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-1-72).

§ 32.32 Special regulations; big game;  
for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE  
REFUGE

Public hunting of deer with bow and arrow on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from August 25 through November 5, and November 20 through December 31, 1972, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with bow and arrow, subject to the following conditions:

Hunters are requested to obtain a registration card which will be issued by asking for them, either in person or by mail, from the Refuge Headquarters, Upham, N. Dak. 58789.

Hunting is by foot only. Vehicles are to remain on established refuge roads only.

All hunters must exhibit their hunting licenses, game, and vehicle contents, to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1972.

ROBERT C. FIELDS,  
Refuge Manager, J. Clark Salyer  
National Wildlife Refuge,  
Upham, N. Dak.

AUGUST 25, 1972.

[FR Doc.72-14894 Filed 8-31-72;8:46 am]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAX

#### Depreciation Allowance for Property of Certain Public Utilities

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 1, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by December 1, 1972. In such case, a public hearing will be held and notice of the time, place, and date, will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 167(l) and 7805 of the Internal Revenue Code of 1954 (83 Stat. 625; 26 U.S.C. 167(l); 68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

The regulations under section 167(l) of the Internal Revenue Code of 1954, as added by section 441(a) of the Tax Reform Act of 1969 (83 Stat. 625), relating to depreciation allowance for property of certain public utilities, are hereby prescribed. These regulations are applicable to taxable years for which a Federal income tax return was not filed prior to August 1, 1969. Section 1.167(l)-1 of the regulations hereby adopted supercedes § 13.13 of this chapter, relating to section 167(l)(3)(G), which was prescribed by T.D. 7049, approved June 25, 1970 (35 F.R. 10518).

PARAGRAPH 1. So much of subdivision (ii) of § 1.167(a)-11(b)(6) as follows

(b) of such subdivision as proposed (37 F.R. 1328) is amended to read as follows:

§ 1.167(a)-11 Depreciation based on class lives and asset depreciation ranges for property placed in service after December 31, 1970.

(b) Reasonable allowance using asset depreciation ranges. \* \* \*

(6) Special rule for certain public utility property. \* \* \*

(ii) Normalization. \* \* \* and makes adjustments to a reserve to reflect the deferral of taxes resulting from the election to apply this section. A determination whether the taxpayer is considered to normalize (within the meaning of the preceding sentence) the tax deferral resulting from the election to apply this section shall be made in a manner consistent with the principles for determining whether a taxpayer is using the "normalization method of accounting" (within the meaning of section 167(l)(3)(G)). See § 1.167(l)-1(h).

PAR. 2. Section 1.167(l)-4 is redesignated as § 1.167(l)-2 and immediately after § 1.167(l) and before such redesignated § 1.167(l)-2 there is added the following new section:

§ 1.167(l)-1 Limitations on reasonable allowance in case of property of certain public utilities.

(a) In general—(1) Scope. Section 167(l) in general provides limitations on the use of certain methods of computing a reasonable allowance for depreciation under section 167(a) with respect to "public utility property" (see paragraph (b) of this section) for all taxable years for which a Federal income tax return was not filed before August 1, 1969. The limitations are set forth in paragraph (c) of this section for "pre-1970 public utility property" and in paragraph (d) of this section for "post-1969 public utility property." Under section 167(l), a taxpayer may always use a straight line method (or other "subsection (l) method" as defined in paragraph (f) of this section). In general, the use of a method of depreciation other than a subsection (l) method is not prohibited by section 167(l) for any taxpayer if the taxpayer uses a "normalization method of regulated accounting" (described in paragraph (h) of this section). In certain cases, the use of a method of depreciation other than a subsection (l) method is not prohibited by section 167(l) if the taxpayer used a "flow-through method of regulated accounting" described in paragraph (i) of this section) for its "July 1969 regulated accounting period" (described in paragraph (g) of this section) whether or not the taxpayer uses either a normalization or a flow-through

method of regulated accounting after its July 1969 regulated accounting period. However, in no event may a method of depreciation other than a subsection (l) method be used in the case of pre-1970 public utility property unless such method of depreciation is the "applicable 1968 method" (within the meaning of paragraph (e) of this section).

(2) Methods of depreciation. For purposes of section 167(l), in the case of a declining balance method each different uniform rate applied to the unrecovered cost or other basis of the property is a different method of depreciation. For purposes of section 167(l), a change in a uniform rate of depreciation due to a change in the useful life of the property or a change in the taxpayer's unrecovered cost or other basis for the property is not a change in the method of depreciation. The use of "guideline lives" or "class lives" for Federal income tax purposes and different lives on the taxpayer's regulated books of account is generally not treated for purposes of section 167(l) as a different method of depreciation. Further, the use of an unrecovered cost or other basis or salvage value for Federal income tax purposes different from the basis or salvage value used on the taxpayer's regulated books of account is not treated as a different method of depreciation.

(3) Application of certain other provisions to public utility property. For rules with respect to application of the investment credit to public utility property, see section 46(e). For rules with respect to the application of the class life asset depreciation range system, including the treatment of the use of "class lives" for Federal income tax purposes and different lives on the taxpayer's regulated books of account, see § 1.167(a)-11.

(4) Effect on agreements under section 167(d). If the taxpayer has entered into an agreement under section 167(d) as to any public utility property and such agreement requires the use of a method of depreciation prohibited by section 167(l), such agreement shall terminate as to such property. The termination, in accordance with this subparagraph, shall not affect any other property (whether or not public utility property) covered by the agreement.

(5) Effect of change in method of depreciation. If, because the method of depreciation used by the taxpayer with respect to public utility property is prohibited by section 167(l), the taxpayer changes to a method of depreciation not prohibited by section 167(l), then when the change is made the unrecovered cost or other basis shall be recovered through annual allowances over the estimated remaining useful life determined in accordance with the circumstances existing at that time.

(b) *Public utility property*—(1) *In general.* Under section 167(l)(3)(A), property is "public utility property" during any period in which it is used predominantly in a "section 167(l) public utility activity." The term "section 167(l) public utility activity" means the trade or business of the furnishing or sale of—

- (i) Electrical energy, water, or sewage disposal services,
- (ii) Gas or steam through a local distribution system,
- (iii) Telephone services,
- (iv) Other communication services (whether or not telephone services) if furnished or sold by the Communications Satellite Corporation for purposes authorized by the Communications Satellite Act of 1962 (47 U.S.C. 701), or
- (v) Transportation of gas or steam by pipeline,

if the rates for such furnishing or sale, as the case may be, are regulated, i.e., have been established or approved by a regulatory body described in section 167(l)(3)(A). The term "regulatory body described in section 167(l)(3)(A)" means a State (including the District of Columbia) or political subdivision thereof, any agency or instrumentality of the United States, or a public service or public utility commission or other body of any State or political subdivision thereof similar to such a commission. The term "established or approved" includes the filing of a schedule of rates with a regulatory body which has the power to approve such rates, even though such body has taken no action on the filed schedule or generally leaves undisturbed rates filed by the taxpayer involved.

(2) *Classification of property.* If property is not used solely in a section 167(l) public utility activity, such property shall be public utility property if its predominant use is in a section 167(l) public utility activity. The predominant use of property for any period shall be determined by reference to the proper accounts to which expenditures for such property are chargeable under the system of regulated accounts required to be used for the period for which the determination is made and in accordance with the principles of § 1.46-3(g)(4) (relating to credit for investment in certain depreciable property). Thus, for example, for purposes of determining whether property is used predominantly in the trade or business of the furnishing or sale of transportation of gas by pipeline, or furnishing of sale of gas through a local distribution system, or both, the rules prescribed in § 1.46-3(g)(4) apply, except that accounts 365 through 371, inclusive (Transmission Plant), shall be added to the accounts enumerated in subdivision (i) of such paragraph (g)(4).

(c) *Pre-1970 public utility property*—(1) *Definition.* (i) Under section 167(l)(3)(B), the term "pre-1970 public utility property" means property which was public utility property at any time before January 1, 1970. If a taxpayer acquires pre-1970 public utility property, such property shall be pre-1970 public utility property in the hands of the taxpayer

even though such property may have been acquired by the taxpayer in an arm's-length cash sale at fair market value or in a tax-free exchange. Thus, for example, if corporation X which is a member of the same controlled group of corporations (within the meaning of section 1563(a)) as corporation Y sells pre-1970 public utility property to Y, such property is pre-1970 public utility property in the hands of Y. The result would be the same if X and Y were not members of the same controlled group of corporations.

(ii) If the basis of public utility property acquired by the taxpayer in a transaction is determined in whole or in part by reference to the basis of any of the taxpayer's pre-1970 public utility property by reason of the application of any provision of the code, and if immediately after the transaction the adjusted basis of the property acquired is less than 200 percent of the adjusted basis of such pre-1970 public utility property immediately before the transaction, the property acquired is pre-1970 public utility property.

(2) *Methods of depreciation not prohibited.* Under section 167(l)(1), in the case of pre-1970 public utility property, the term "reasonable allowance" as used in section 167(a) means, for a taxable year for which a Federal income tax return was not filed before August 1, 1969, and in which such property is public utility property, an allowance (allowable without regard to section 167(l)) computed under—

- (i) A subsection (1) method, or
- (ii) The applicable 1968 method (other than a subsection (1) method) used by the taxpayer for such property, but only if—

(a) The taxpayer uses in respect of such taxable year a normalization method of regulated accounting for such property,

(b) The taxpayer used a flow-through method of regulated accounting for such property for its July 1969 regulated accounting period, or

(c) The taxpayer's first regulated accounting period with respect to such property is after the taxpayer's July 1969 regulated accounting period and the taxpayer used a flow-through method of regulated accounting for its July 1969 regulated accounting period for public utility property of the same kind (or if there is no property of the same kind, property of the most similar kind) most recently placed in service. See paragraph (e)(5) of this section for determination of same (or similar) kind.

(3) *Flow-through method of regulated accounting in certain cases.* See paragraph (e)(6) of this section for treatment of certain taxpayers with pending applications for change in method of accounting as being deemed to have used a flow-through method of regulated accounting for the July 1969 regulated accounting period.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* Corporation X, a calendar-year taxpayer subject to the jurisdiction of a regulatory body described in section 167(l)(3)(A), used the straight-line method of depreciation (a subsection (1) method) for all of its public utility property for which depreciation was allowable on its Federal income tax return for 1967 (the latest taxable year for which X, prior to August 1, 1969, filed a return). Assume that under paragraph (e) of this section, X's applicable 1968 method is a subsection (1) method with respect to all of its public utility property. Thus, with respect to its pre-1970 public utility property, X may only use a straight line method (or any other subsection (1) method) of depreciation for all taxable years after 1967.

*Example (2).* Corporation Y, a calendar-year taxpayer subject to the jurisdiction of the Federal Power Commission, is engaged exclusively in the transportation of gas by pipeline. On its Federal income tax return for 1967 (the latest taxable year for which Y, prior to August 1, 1969, filed a return), Y used the declining balance method of depreciation using a rate of 150 percent of the straight-line rate for all of its nonsection 1250 public utility property with respect to which depreciation was allowable. Assume that with respect to all of such property, Y's applicable 1968 method under paragraph (e) of this section is such 150 percent declining balance method. Assume that Y used a normalization method of regulated accounting for all relevant regulated accounting periods. If Y continues to use a normalization method of regulated accounting, Y may compute its reasonable allowance for purposes of section 167(a) using such 150 percent declining balance method for its nonsection 1250 pre-1970 public utility property for all taxable years beginning with 1968, provided the use of such method is allowable without regard to section 167(l). Y may also use a subsection (1) method for any of such pre-1970 public utility property for all taxable years beginning after 1967. However, because each different uniform rate applied to the basis of the property is a different method of depreciation, Y may not use a declining balance method of depreciation using a rate of twice the straight-line rate for any of such pre-1970 public utility property for any taxable year beginning after 1967.

*Example (3).* Assume the same facts as in example (2) except that with respect to all of its nonsection 1250 pre-1970 public utility property accounted for in its July 1969 regulated accounting period Y used a flow-through method of regulated accounting for such period. Assume further that such property is the property on the basis of which the applicable 1968 method is established for pre-1970 public utility property of the same kind, but having a first regulated accounting period after the taxpayer's July 1969 regulated accounting period. Beginning with 1968, with respect to such property Y may compute its reasonable allowance for purposes of section 167(a) using the declining balance method of depreciation and a rate of 150 percent of the straight line rate, whether it uses a normalization or flow-through method of regulated accounting after its July 1969 regulated accounting period, provided the use of such method is allowable without regard to section 167(l).

(d) *Post-1969 public utility property*—(1) *In general.* Under section 167(l)(3)(C), the term "post-1969 public utility property" means any public utility property which is not pre-1970 public utility property.

(2) *Methods of depreciation not prohibited.* Under section 167(l)(2), in the

case of post-1969 public utility property, the term "reasonable allowance" as used in section 167(a) means, for a taxable year, an allowance (allowable without regard to section 167(l) computed under—

(i) A subsection (1) method,  
(ii) A method of depreciation otherwise allowable under section 167 if, with respect to the property, the taxpayer uses in respect of such taxable year a normalization method of regulated accounting, or

(iii) The taxpayer's applicable 1968 method (other than a subsection (1) method) with respect to the property in question, if the taxpayer used a flow-through method of regulated accounting for its July 1969 regulated accounting period for the property of the same (or similar) kind most recently placed in service, provided that the property in question is not property to which an election under section 167(l) (4) (A) applies. See § 1.167(l)-2 for rules with respect to an election under section 167(l) (4) (A). See paragraph (e) (5) of this section for definition of same (or similar) kind.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* Corporation X is engaged exclusively in the trade or business of the transportation of gas by pipeline and is subject to the jurisdiction of the Federal Power Commission. With respect to all its public utility property, X's applicable 1968 method (as determined under paragraph (e) of this section) is the straight-line method of depreciation. X may determine its reasonable allowance for depreciation under section 167(a) with respect to its post-1969 public utility property under a straight-line method (or other subsection (1) method) or, if X uses a normalization method of regulated accounting, any other method of depreciation, provided that the use of such other method is allowable under section 167 without regard to section 167(l).

*Example (2).* Assume the same facts as in example (1) except that with respect to all of X's post-1969 public utility property the applicable 1968 method (as determined under paragraph (e) of this section) is the declining balance method using a rate of 150 percent of the straight-line rate. Assume further that all of X's pre-1970 public utility property was accounted for in its July 1969 regulated accounting period, and that X used a flow-through method of regulated accounting for such period. X may determine its reasonable allowance for depreciation under section 167 with respect to its post-1969 public utility property by using the straight-line method of depreciation (or any other subsection (1) method), by using any method otherwise allowable under section 167 (such as a declining balance method) if X uses a normalization method of regulated accounting, or, by using the declining balance method using a rate of 150 percent of the straight-line rate, whether or not X uses a normalization or a flow-through method of regulated accounting.

(e) *Applicable 1968 method.*—(1) *In general.* Under section 167(l) (3) (D), except as provided in subparagraphs (3) and (4) of this paragraph, the term "applicable 1968 method" means with respect to any public utility property—

(i) The method of depreciation properly used by the taxpayer in its Federal

income tax return with respect to such property for the latest taxable year for which a return was filed before August 1, 1969,

(ii) If subdivision (i) of this subparagraph does not apply, the method of depreciation property used by the taxpayer in its Federal income tax return for the latest taxable year for which a return was filed before August 1, 1969, with respect to public utility property of the same kind (or if there is no property of the same kind, property of the most similar kind) most recently placed in service before the end of such latest taxable year, or

(iii) If neither subdivision (i) nor (ii) of this subparagraph applies, a subsection (1) method.

If, on or after August 1, 1969, the taxpayer files an amended return for the taxable year referred to in subdivisions (i) and (ii) of this subparagraph, such amended return shall not be taken into consideration in determining the applicable 1968 method.

(2) *Placed in service.* For purposes of this section, property is placed in service on the date on which the period for depreciation begins under section 167. See, for example, § 1.167(a)-10(b) and proposed § 1.167(a)-11(c) (2) (37 F.R. 1328). If under an averaging convention, property which is placed in service (as defined in § 1.46-3(d)(ii)) by the taxpayer on different dates is treated as placed in service on the same date, then for purposes of section 167(l) the property shall be treated as having been placed in service on the date the period for depreciation with respect to such property would begin under section 167 absent such averaging convention. Thus, for example, if, except for the fact that the averaging convention used assumes that all additions and retirements made during the first half of the year were made on the first day of the year, the period of depreciation for two items of public utility property would begin on January 10 and March 15, respectively, then for purposes of determining the property of the same (or similar) kind most recently placed in service, such items of property shall be treated as placed in service on January 10 and March 15, respectively.

(3) *Certain section 1250 property.* If a taxpayer is required under section 167(j) to use a method of depreciation other than its applicable 1968 method with respect to any section 1250 property, the term "applicable 1968 method" means the method of depreciation allowable under section 167(j) which is the most nearly comparable method to the applicable 1968 method determined under subparagraph (1) of this paragraph. For example, if the applicable 1968 method on new section 1250 property is the declining balance method using 200 percent of the straight-line rate, the most nearly comparable method allowable for new section 1250 property under section 167(j) would be the declining balance method using 150 percent of the straight-line rate. If the applicable 1968 method determined under subparagraph (1) of this para-

graph is the sum of the years-digits method, the term "most nearly comparable method" refers to any method of depreciation allowable under section 167(j).

(4) *Applicable 1968 method in certain cases.* (i) (a) Under section 167(l) (3) (E), if the taxpayer evidenced within the time and manner specified in (b) of this subdivision (i) the intent to use a method of depreciation under section 167 (other than its applicable 1968 method as determined under subparagraph (1) or (3) of this paragraph or a subsection (1) method) with respect to any public utility property, such method of depreciation shall be deemed to be the taxpayer's applicable 1968 method with respect to such public utility property and public utility property of the same (or most similar) kind subsequently placed in service.

(b) Under this subdivision (i), the intent to use a method of depreciation under section 167 is evidenced—

(1) By a timely application for permission for a change in method of accounting filed by the taxpayer before August 1, 1969, or

(2) By the use of such method of depreciation in the computation by the taxpayer of its tax expense for purposes of reflecting operating results in its regulated books of account for its July 1969 regulated accounting period, as established in the manner prescribed in subparagraph (g) (1), (i), (ii), or (iii) of this section.

(ii) (a) If public utility property is acquired in a transaction in which its basis in the hands of the transferee is determined in whole or in part by reference to its basis in the hands of the transferor by reason of the application of any provision of the code, or in a transfer (including any purchase for cash or in exchange) from a related person, then in the hands of the transferee the applicable 1968 method with respect to such property shall be determined by reference to the treatment in respect of such property in the hands of the transferor.

(b) For purposes of this subdivision (ii), the term "related person" means a person who is related to another person if either immediately before or after the transfer—

(1) The relationship between such persons would result in a disallowance of losses under section 267 (relating to disallowance of losses, etc., between related taxpayers) or section 707(b) (relating to losses disallowed, etc., between partners and controlled partnerships) and the regulations thereunder, or

(2) Such persons are members of the same controlled group of corporations, as defined in section 1563(a) (relating to definition of controlled group of corporations), except that "more than 50 percent" shall be substituted for "at least 80 percent" each place it appears in section 1563(a) and the regulations thereunder.

(5) *Same or similar.* The classification of property as being of the same (or similar) kind shall be made by reference to the function of the public utility to which the primary use of the property

relates. Property which performs the identical function in the identical manner shall be treated as property of the same kind. The determination that property is of a similar kind shall be made by reference to the proper account to which expenditures for the property are chargeable under the system of regulated accounts required to be used by the taxpayer for the period in which the property in question was acquired. Property, the expenditure for which is chargeable to the same account, is property of the most similar kind. Property, the expenditure for which is chargeable to an account for property which serves the same general function, is property of a similar kind. Thus, for example, if corporation X, a natural gas company, subject to the jurisdiction of the Federal Power Commission, had property properly chargeable to account 366 (relating to transmission plant structures and improvements) acquired an additional structure properly chargeable to account 366, under the uniform system of accounts prescribed for natural gas companies (class A and class B) by the Federal Power Commission, effective September 1, 1968, the addition would constitute property of the same kind if it performed the identical function in the identical manner. If, however, the addition did not perform the identical function in the identical manner, it would be property of the most similar kind.

(6) *Regulated method of accounting in certain cases.* Under section 167(l)(4)(B), if with respect to any pre-1970 public utility property the taxpayer filed a timely application for change in method of accounting referred to in subparagraph (4)(i)(b)(1) of this paragraph and with respect to property of the same (or similar) kind most recently placed in service the taxpayer used a flow-through method of regulated accounting for its July 1969 regulated accounting period, then for purposes of section 167(l)(1)(B) and paragraph (c) of this section the taxpayer shall be deemed to have used a flow-through method of regulated accounting with respect to such pre-1970 public utility property.

(7) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* Corporation X is a calendar-year taxpayer. On its Federal income tax return for 1967 (the latest taxable year for which X, prior to August 1, 1969, filed a return) X used a straight-line method of depreciation with respect to certain public utility property placed in service before 1965 and used the declining balance method of depreciation using 200 percent of the straight-line rate (double declining balance) with respect to the same kind of public utility property placed in service after 1964. In 1968 and 1970, X placed in service additional public utility property of the same kind. The applicable 1968 method with respect to the above described public utility property is shown in the following chart:

Property held in 1970	Placed in service	Method on 1967 return	Applicable 1968 method
Group 1.....	Before 1965.....	Straight line.	Straight line.
Group 2.....	After 1964 and before 1968.....	Double declining balance.	Double declining balance.
Group 3.....	After 1967 and before 1969.....	.....	Do.
Group 4.....	After 1968.....	.....	Do.

*Example (2).* Corporation Y is a calendar-year taxpayer engaged exclusively in the trade or business of the furnishing of electrical energy. In 1954, Y placed in service hydroelectric generators and for all purposes Y has taken straight-line depreciation with respect to such generators. In 1960, Y placed in service fossil fuel generators and for all purposes since 1960 has used the declining balance method of depreciation using a rate of 150 percent of the straight-line rate (computed without reduction for salvage) with respect to such generators. After 1960 and before 1970 Y did not place in service any generators. In 1970, Y placed in service additional hydroelectric generators. The applicable 1968 method with respect to the hydroelectric generators placed in service in 1970 would be the straight-line method because it was the method used by Y on its return for the latest taxable year for which Y filed a return before August 1, 1969, with respect to property of the same kind (i.e., hydroelectric generators) most recently placed in service.

*Example (3).* Assume the same facts as in example (2), except that the generators placed in service in 1970 were nuclear generators. The applicable 1968 method with respect to such generators is the declining balance method using a rate of 150 percent of the straight-line rate because, with respect to property of the most similar kind (fossil fuel generators) most recently placed in service, Y used such declining balance method on its return for the latest taxable year for which it filed a return before August 1, 1969.

(f) *Subsection (l) method.* Under section 167(l)(3)(F), the term "subsection (l) method" means a reasonable and consistently applied ratable method of computing depreciation which is allowable under section 167(a), such as, for example, the straight-line method or a unit of production method or machine-hour method. The term "subsection (l) method" does not include any declining balance method (regardless of the uniform rate applied), sum of the years-digits method, or method of depreciation which is allowable solely by reason of section 167(b)(4) or (j)(1)(C).

(g) *July 1969 regulated accounting period.* (1) *In general.* Under section 167(l)(3)(I), the term "July 1969 regulated accounting period" means the taxpayer's latest accounting period ending before August 1, 1969, for which the taxpayer regularly computed, before January 1, 1970, its tax expense for purposes of reflecting operating results in its regulated books of account. The computation by the taxpayer of such tax expense may be established by reference to the following:

(i) The most recent periodic report of a period ending before August 1, 1969,

required by a regulatory body described in section 167(l)(3)(A) having jurisdiction over the taxpayer's regulated books of account which was filed with such body before January 1, 1970 (whether or not such body has jurisdiction over rates).

(ii) If subdivision (i) of this subparagraph does not apply, the taxpayer's most recent report to its shareholders for a period ending before August 1, 1969, but only if such report was distributed to the shareholders before January 1, 1970, and if the taxpayer's stocks or securities are traded in an established securities market during such period. For purposes of this subdivision, the term "established securities market" has the meaning assigned to such term in § 1.453-3(d)(4).

(iii) If subdivisions (i) and (ii) of this subparagraph do not apply, entries made to the satisfaction of the district director before January 1, 1970, in its regulated books of account for its most recent accounting period ending before August 1, 1969.

(2) *July 1969 method of regulated accounting in certain acquisitions.* If public utility property is acquired in a transaction in which its basis in the hands of the transferee is determined in whole or in part by reference to its basis in the hands of the transferor by reason of the application of any provision of the code, or in a transfer (including any purchase for cash or in exchange) from a related person, then in the hands of the transferee the method of regulated accounting for such property's July 1969 regulated accounting period shall be determined by reference to the treatment in respect of such property in the hands of the transferor. See paragraph (e)(4)(ii) of this section for definition of "related person."

(3) *Determination date.* For purposes of section 167(l), any reference to a method of depreciation under section 167(a), or a method of regulated accounting, taken into account by the taxpayer in computing its tax expense for its July 1969 regulated accounting period shall be a reference to such tax expense as shown on the periodic report or report to shareholders to which subparagraph (1)(i) or (ii) of this paragraph applies or the entries made on the taxpayer's regulated books of account to which subparagraph (1)(iii) of this paragraph applies. Thus, for example, assume that regulatory body A having jurisdiction over public utility property with respect to X's regulated books of account requires X to reflect its tax expense in such books using the same method of depreciation which regulatory body B uses for determining X's cost of service for ratemaking purposes. If in 1971, in the course of approving a rate change for X, B retroactively determines X's cost of service for ratemaking purposes for X's July 1969 regulated accounting period using a method of depreciation different from the method reflected in X's regulated books of account as of January 1, 1970, the method of depreciation used by X for its July 1969

regulated accounting period would be determined without reference to the method retroactively used by B in 1971.

(h) *Normalization method of accounting*—(1) *In general.* (i) Under section 167(l), a taxpayer uses a normalization method of regulated accounting with respect to public utility property.

(a) If the same method of depreciation (whether or not a subsection (1) method) is used to compute both its tax expense and its depreciation expense for purposes of establishing cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account, and

(b) If to compute its allowance for depreciation under section 167 it uses a method of depreciation other than the method it used for purposes described in (a) of this subdivision, the taxpayer makes adjustments consistent with subparagraph (2) of this paragraph to a reserve to reflect the total amount of the deferral of Federal income tax liability resulting from the use with respect to all of its public utility property of such different methods of depreciation.

(ii) In the case of a taxpayer described in section 167(l) (1)(B) or (2)(C), the reference in subdivision (i) of this subparagraph shall be a reference only to such taxpayer's "qualified public utility property." See § 1.167(l)-2(b) for definition of "qualified public utility property."

(iii) Except as provided in this subparagraph, the amount of Federal income tax liability deferred as a result of the use of different method of depreciation under subdivision (i) of this subparagraph is the excess (computed without regard to credits) of the amount the tax liability would have been had a subsection (1) method been used over the amount of the actual tax liability. Such amount shall be taken into account for the taxable year in which such different methods of depreciation are used. If, however, in respect of any taxable year the use of a method of depreciation other than a subsection (1) method for purposes of determining the taxpayer's reasonable allowance under section 167(a) results in a net operating loss carryover (as determined under section 172) to a year succeeding such taxable year which would not have arisen (or an increase in such carryover which would not have arisen) had the taxpayer determined his reasonable allowance under section 167(a) using a subsection (1) method, then the amount and time of the deferral of tax liability shall be taken into account in such appropriate time and manner as is satisfactory to the district director.

(2) *Adjustments to reserve.* (i) The taxpayer must charge the amount of deferred Federal income tax determined under subparagraph (1)(i) of this paragraph for any taxable year to a reserve for deferred taxes, a depreciation reserve, or other reserve account. The taxpayer need not establish a separate reserve account for such amount but the amount of deferred tax determined under subparagraph (1)(i) of this paragraph must be accounted for in such a manner so as to be readily identifiable. With respect

to any account, the aggregate amount allocable to deferred tax under section 167(l) shall not be reduced except to reflect the amount for any taxable year by which Federal income taxes are greater by reason of the prior use of different methods of depreciation under subparagraph (1)(i) of this paragraph. An additional exception is that the aggregate amount allocable to deferred tax under section 167(l) may be properly adjusted to reflect asset retirements or the expiration of the period for depreciation used in determining the allowance for depreciation under section 167(a).

(ii) The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* Corporation X is exclusively engaged in the transportation of gas by pipeline subject to the jurisdiction of the Federal Power Commission. With respect to its post-1969 public utility property, X is entitled under section 167(l) (2)(B) to use a method of depreciation other than a subsection (1) method if it uses a normalization method of regulated accounting. With respect to such property, X has not made any election under § 1.167(a)-11 (relating to depreciation based on class lives and asset depreciation ranges). In 1972, X places in service public utility property with an unadjusted basis of \$2 million, and an estimated useful life of 20 years. X uses the declining-balance method of depreciation with a rate twice the straight-line rate. If X uses a normalization method of regulated accounting, the amount of depreciation allowable under section 167(a) with respect to such property for 1972 computed under the double-declining-balance method would be \$200,000. X computes its tax expense and depreciation expense for purposes of determining its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account using the straight-line method of depreciation (a subsection (1) method). A depreciation allowance computed in this manner is \$100,000. The excess of the depreciation allowance determined under the double-declining-balance method (\$200,000) over the depreciation expense computed using the straight-line method (\$100,000) is \$100,000. Thus, assuming a tax rate of 48 percent, X used a normalization method of regulated accounting for 1972 with respect to property placed in service that year if in 1972 it added to a reserve \$48,000 as taxes deferred as a result of the use by X of a method of depreciation for Federal income tax purposes different from that used for establishing its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account.

*Example (2).* Assume the same facts as in example (1), except that X elects to apply § 1.167(a)-11 with respect to all eligible property placed in service in 1972. Assume further that all property X placed in service in 1972 is eligible property. One hundred percent of the asset guideline period for such property is 22 years and the asset depreciation range is from 17.5 years to 26.5 years. X uses the double-declining-balance method of depreciation, selects an asset depreciation period of 17.5 years, and applies the half-year convention (described in § 1.167(a)-11(c) (2) (iii)). In 1972, the depreciation allowable under section 167(a) with respect to property placed in service in 1972 is \$114,285 (determined without regard to the normalization requirements in § 1.167(a)-11(b) (6) and in section 167(l)). X computes its tax expense for purposes of determining its cost of service for ratemaking purposes and for reflect-

ing operating results in its regulated books of account using the straight-line method of depreciation (a subsection (1) method), an estimated useful life of 22 years (that is, 100 percent of the asset guideline period), and the half-year convention. A depreciation allowance computed in this manner is \$45,454. Assuming a tax rate of 48 percent, the amount that X must add to a reserve in 1972 with respect to property placed in service that year in order to qualify as using a normalization method of regulated accounting under section 167(l) (3)(G) is \$27,429 and the amount in order to satisfy the normalization requirements of proposed § 1.167(a)-11(b) (6) (37 F.R. 1328) is \$5,610. X determined such amounts as follows:

(1) Depreciation allowance on tax return (determined without regard to section 167(l) and § 1.167(a)-11(b) (6))	\$114,285
(2) Line (1), recomputed using a straight-line method	57,142
(3) Difference in depreciation allowance attributable to different methods (line (1) minus line (2))	\$ 57,143
(4) Amount to add to reserve under this paragraph (48 percent of line (3))	27,429
(5) Amount in line (2)	\$ 57,142
(6) Line (5), recomputed by using an estimated useful life of 22 years and the half-year convention	45,454
(7) Difference in depreciation allowance attributable to difference in depreciation periods	\$ 11,688
(8) Amount to add to reserve under proposed § 1.167(a)-11(b) (6) (ii) (48 percent of line (7))	5,610

If, for its depreciation expense for purposes of determining its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account, X had used a period in excess of the asset guideline period of 22 years, the total amount in lines (4) and (8) in this example would not be changed.

*Example (3).* Corporation Y, a calendar-year taxpayer which is engaged in furnishing electrical energy, made the election provided by section 167(l) (4)(a) with respect to its "qualified public utility property" (as defined in § 1.167(l)-2(b)). In 1971, Y placed in service qualified public utility property which had an adjusted basis of \$2 million, estimated useful life of 20 years, and no salvage value. With respect to property of the same kind most recently placed in service, Y used a flow-through method of regulated accounting for its July 1969 regulated accounting period and the applicable 1968 method is the declining-balance method of depreciation using 200 percent of the straight-line rate. The amount of depreciation allowable under the double-declining-balance method with respect to the qualified public utility property would be \$200,000. Y computes its tax expense and depreciation expense for purposes of determining its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account using the straight-line method of depreciation. A depreciation allowance with respect to the qualified public utility property determined in this manner is \$100,000. The excess of the depreciation allowance determined under the double-declining-balance method (\$200,000) over the depreciation expense computed using the straight-line method (\$100,000) is \$100,000. Thus, assuming a tax rate of 40 percent, Y used a normalization method of regulated accounting for 1971 if in 1971 it added to a

reserve \$48,000 as tax deferred as a result of the use by Y of a method of depreciation for Federal income tax purposes with respect to its qualified public utility property which method was different from that used for establishing its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account for such property.

*Example (4).* Corporation Z, exclusively engaged in a public utility activity did not use a flow-through method of regulated accounting for its July 1969 regulated accounting period. In 1971, a regulatory body having jurisdiction over all of Z's property issued an order applicable to all years beginning with 1968 which provided, in effect, that Z use an accelerated method of depreciation for purposes of section 167 and for determining its tax expenses for purposes of reflecting operating results in its regulated books of account. The order further provided that Z normalize 50 percent of the tax deferral resulting from the use of the accelerated method of depreciation and that Z flow-through 50 percent of the tax deferral resulting therefrom. Under section 167(1), the method of accounting provided in the order would not be a normalization method of regulated accounting because Z would not be permitted to normalize 100 percent of the tax deferral resulting from the use of an accelerated method of depreciation. Thus, with respect to its public utility property for purposes of section 167, Z may only use a subsection (1) method of depreciation.

*Example (5).* Assume the same facts as in example (4) except that the order of the regulatory body provided, in effect, that Z normalize 100 percent of the tax deferral with respect to 50 percent of its public utility property and flow-through the tax savings with respect to the other 50 percent of its property. Because the effect of such an order would allow Z to flow-through a portion of the tax savings resulting from the use of an accelerated method of depreciation, Z would not be using a normalization method of regulated accounting with respect to any of its properties. Thus, with respect to its public utility property for purposes of section 167, Z may only use a subsection (1) method of depreciation.

(3) *Establishing compliance with normalization requirements in respect of operating books of account.* The taxpayer may establish compliance with the requirement in subparagraph (1) (i) of this paragraph in respect of reflecting operating results, and adjustments to a reserve, in its operating books of account by reference to the following:

(i) The most recent periodic report for a period beginning before the end of the taxable year, required by a regulatory body described in section 167(1) (3)(A) having jurisdiction over the taxpayer's regulated operating books of account which was filed with such body before the due date (determined without regard to extensions) of the taxpayer's Federal income tax return for such taxable year (whether or not such body has jurisdiction over rates).

(ii) If subdivision (i) of this subparagraph does not apply, the taxpayer's most recent report to its shareholders for the taxable year but only if (a) such report was distributed to the shareholders before the due date (determined without regard to extensions) of the taxpayer's Federal income tax return for the taxable year and (b) the taxpayer's stocks or securities are traded in an es-

tablished securities market during such taxable year. For purposes of this subdivision, the term "established securities market" has the meaning assigned to such term in proposed § 1.453-3(d) (4) (35 F.R. 19518).

(iii) If neither subdivision (i) nor (ii) of this subparagraph applies, entries made to the satisfaction of the district director before the due date (determined without regard to extensions) of the taxpayer's Federal income tax return for the taxable year, in its regulated books of account for its most recent period beginning before the end of such taxable year.

(4) *Establishing compliance with normalization requirements in computing cost of service for ratemaking purposes.*

(i) In the case of a taxpayer which used a flow-through method of regulated accounting for its July 1969 regulated accounting period or thereafter, with respect to all or a portion of its pre-1970 public utility property, if a regulatory body having jurisdiction to establish the rates of such taxpayer as to such property (or a court which has jurisdiction over such body) issues an order of general application (or an order of specific application to the taxpayer) which states that such regulatory body (or court) will permit a class of taxpayers of which such taxpayer is a member (or such taxpayer) to use the normalization method of regulated accounting to establish cost of service for ratemaking purposes with respect to all or a portion of its public utility property, the taxpayer will be presumed to be using the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of establishing its cost of service for ratemaking purposes with respect to the public utility property to which such order applies. In the event that such order is in any way conditional, the preceding sentence shall not apply until all of the conditions contained in such order which are applicable to the taxpayer have been fulfilled. The taxpayer shall establish to the satisfaction of the Commissioner or his delegate that such conditions have been fulfilled.

(ii) In the case of a taxpayer which did not use the flow-through method of regulated accounting for its July 1969 regulated accounting period or thereafter (including a taxpayer which used a subsection (1) method of depreciation to compute its allowance for depreciation under section 167(a) and to compute its tax expense for purposes of reflecting operating results in its regulated books of account), with respect to any of its public utility property, it will be presumed that such taxpayer is using the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of establishing its cost of service for ratemaking purposes with respect to its post-1969 public utility property. The presumption described in the preceding sentence shall not apply in any case where there is (a) an expression of intent (regardless of the manner in which such expression of intent is indicated) by the regulatory body (or bodies), having jurisdiction to

establish the rates of such taxpayer, which indicates that the policy of such regulatory body is in any way inconsistent with the use of the normalization method of regulated accounting by such taxpayer or by a class of taxpayers of which such taxpayer is a member, or (b) a decision by a court having jurisdiction over such regulatory body which decision is in any way inconsistent with the use of the normalization method of regulated accounting by such taxpayer or a class of taxpayers of which such taxpayer is a member. The presumption shall be applicable on January 1, 1970, and shall, unless rebutted, be effective until an inconsistent expression of intent is indicated by such regulatory body or by such court. An example of such an inconsistent expression of intent is the case of a regulatory body which has, after the July 1969 regulated accounting period and before January 1, 1970, directed public utilities subject to its ratemaking jurisdiction to use a flow-through method of regulated accounting, or has issued an order of general application which states that such agency will direct a class of public utilities of which the taxpayer is a member to use a flow-through method of regulated accounting. The presumption described in this subdivision may be rebutted by evidence that the flow-through method of regulated accounting is being used by the taxpayer with respect to such property.

(iii) The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* Corporation X is a calendar-year taxpayer, its "applicable 1968 method" is the straight-line method, and X did not use a flow-through method of regulated accounting for its July 1969 regulated accounting period. Effective January 1, 1970, X began collecting rates which were based on a sum of the years-digits method of depreciation and a normalization method of regulated accounting which rates had been approved by a regulatory body having jurisdiction over X. On October 1, 1971, a court of proper jurisdiction annulled the rate order on the basis that the regulatory body had abused its discretion by determining the rates on the basis of a normalization method of regulated accounting. As there was no inconsistent expression of intent during 1970 or prior to the due date of X's return for 1970, X's use of the sum of the years-digits method of depreciation for purposes of section 167 on such return was proper. For 1971, the presumption is in effect through September 30. Therefore, during 1971, X may use the sum of the years-digits method of depreciation for purposes of section 167 from January 1 through August 31, 1971. After August 31, 1971, and for taxable years after 1971 X must use a straight-line method of depreciation because of the existence of the inconsistent court decision.

*Example (2).* Assume the same facts as in example (1), except that pursuant to the annulled rate order, X was required to refund the portion of the rates attributable to the use of the normalization method of regulated accounting. As there was no inconsistent expression of intent during 1970 or prior to the due date of X's return for 1970, X's use of the sum of the years-digits method of depreciation for purposes of section 167 on such return was proper but, because of the retroactive nature of the rate order, X must file an amended return for

1970 using a straight-line method of depreciation. As the inconsistent order by the court was handed down prior to the due date of X's Federal income tax return for 1971. However, for 1971 and thereafter the presumption of subdivision (1) of this subparagraph does not apply and X must file its Federal income tax returns for such years using a straight-line method of depreciation.

(5) *Change in method of regulated account.* The taxpayer shall notify the district director of a change in its method of regulated accounting, an order by a regulatory body or court that such method be changed, or an interim or final rate determination by a regulatory body which determination is inconsistent with the method of regulated accounting used by the taxpayer immediately prior to the effective date of such rate determination. Such notification shall be made within 90 days of the date that the change in method is effective. In any case of such a change in method of regulated accounting, the taxpayer shall recompute its tax liability for any affected taxable year and such recomputation shall be made in the form of an amended return where necessary.

(i) *Flow-through method of regulated accounting.* Under section 167(1)(3)(H), a taxpayer uses a flow-through method of regulated accounting with respect to public utility property if it uses the same method of depreciation (other than a subsection (1) method) to compute its allowance for depreciation under section 167 and to compute its tax expense for purposes of reflecting operating results in its regulated books of account unless such method is the same method used by the taxpayer to determine its depreciation expense for purposes of reflecting operating results in its regulated books of account. Except as provided in the preceding sentence, the method of depreciation used by a taxpayer with respect to public utility property for purposes of determining cost of service for ratemaking purposes or rate base for ratemaking purposes shall not be considered in determining whether the taxpayer used a flow-through method of regulated accounting. A taxpayer may establish use of a flow-through method of regulated accounting in the same manner that compliance with normalization requirements in respect of operating books of account may be established under paragraph (h) (4) of this section.

PAR. 3. Immediately following redesignated § 1.167(1)-2, there is added the following new section:

**§ 1.167(1)-3 Multiple regulation, asset acquisitions, reorganizations, etc.**

(a) *Property not entirely subject to jurisdiction of one regulatory body—(1) In general.* If a taxpayer which uses a method of depreciation other than a subsection (1) method of depreciation is required by a regulatory body having jurisdiction over less than all of its property to use, or not to use, a method of regulated accounting (i.e., normalization or flow-through), such taxpayer shall be considered as using, or not using, such method of regulated accounting only with respect to property subject to the jurisdiction of such regulatory body.

(2) *Jurisdiction of regulatory body.* For purposes of this paragraph, a regulatory body is considered to have jurisdiction over property of a taxpayer if expenses with respect to the property are included in cost of service as determined by the regulatory body for ratemaking purposes or for reflecting operating results in its regulated books of account. For example, if regulatory body A, having jurisdiction over 60 percent of an item of X corporation's public utility property, required X to use the flow-through method of regulated accounting in circumstances which would bar X from using a method of depreciation under section 167(a) other than a subsection (1) method, and if regulatory body B, having jurisdiction over the remaining 40 percent of such item of property does not so require X to use the flow-through method of regulated accounting (or if the remaining 40 percent is not subject to the jurisdiction of any regulatory body), then with respect to 60 percent of the adjusted basis of the property X is prohibited from using a method of depreciation for purposes of section 167(a) other than a subsection (1) method. If in such example, A, having jurisdiction over 60 percent of X's public utility property, had jurisdiction over 100 percent of a particular generator, then with respect to the generator X would be prohibited from using a method of depreciation other than a subsection (1) method.

(3) *Public utility property subject to more than one regulatory body.* If a regulatory body having jurisdiction over public utility property with respect to the taxpayer's regulated books of account requires the taxpayer to reflect its tax expense in such books in the manner used by the regulatory body having jurisdiction over the public utility property for purposes of determining the taxpayer's cost of service for ratemaking purposes, the rules of subparagraphs (1) and (2) of this paragraph shall apply.

(b) *Leasing transactions—(1) Leased property.* Public utility property as defined in paragraph (b) of § 1.167(1)-1 includes property which is leased by a taxpayer where the leasing of such property is part of the lessor's section 167(1) public utility activity. Thus, such leased property qualifies as public utility property even though the predominant use of such property by the lessee is in other than a section 167(1) public utility activity. Further, leased property qualifies as public utility property under section 167(1) even though the leasing is not part of the lessor's public utility activity if the predominant use of such property by the lessee or any sublessee is in a section 167(1) public utility activity. However, the limitations of section 167(1) apply to a taxpayer only if such taxpayer is subject to the jurisdiction of a regulatory body described in section 167(1)(3)(A). For example, if a financial institution purchases property which it then leases to a lessee which uses such property predominantly in a section 167(1) public utility activity, the property qualifies as public utility property. However, because the financial institution's rates for leasing the property are

not subject to the jurisdiction of a regulatory body described in section 167(1)(3)(A), the provisions of section 167(1) do not apply to the depreciation deductions taken with respect to the property by the financial institution. For possible application of section 167(1) to the lessee, see subparagraph (2) of this paragraph.

(2) *Certain rental payments.* Under section 167(1)(5), if a taxpayer leases property which is public utility property and the regulatory body having jurisdiction over such property for purposes of determining the taxpayer's operating results in its regulated books of account or for ratemaking purposes allows only an amount of such lessee's expenses with respect to the lease which is less than the amount which the taxpayer deducts for purposes of its Federal income tax liability, then a portion of the difference between such amounts shall not be allowed as a deduction by the taxpayer for purposes of its Federal income tax liability in such manner and time as the Commissioner or his delegate may determine consistent with the principles of § 1.167(1)-1 and this section applicable as to when a method of depreciation other than a subsection (1) method may be used for purposes of section 167(a).

(c) *Certain partnership arrangements.* Under section 167(1)(5), if property held by a partnership is not public utility property in the hands of the partnership but would be public utility property if an election was made under section 761 to be excluded from partnership treatment, then section 167(1) shall be applied by treating the partners as directly owning the property in proportion to their partnership interests.

(d) *Cross reference.* See § 1.167(1)-1 (c) (1) for treatment of certain property as "pre-1970 public utility property" and § 1.167(1)-1 (e) (4) (ii) for applicable 1968 method in the case of property acquired in certain transactions.

PAR. 4. Paragraph (b) of § 1.162-1 is amended by adding at the end thereof a new subparagraph (6) which reads as follows:

**§ 1.162-1 Business expenses.**

\* \* \* \* \*

(6) For treatment of certain rental payments with respect to public utility property, see section 167(1) and § 1.67(1)-3.

[FR Doc.72-14885 Filed 8-31-72;8:45 am]

**DEPARTMENT OF AGRICULTURE**

Agricultural Marketing Service

[ 7 CFR Part 52 ]

INSPECTION BY VARIABLES

Proposed U.S. Standards

Correction

In F.R. Doc. 72-14226, appearing at page 17052, in the issue of Thursday, August 24, 1972, the following changes should be made:

1. In § 52.204(a), page 17053, eighth line, the symbol now reading "URL<sub>x</sub>", should read "URL<sub>1</sub>".

2. In § 52.205(a), the symbol "X", in the fourth line, should read, "X".

3. After § 52.207(c) (5), insert:

**§ 52.208 Application of sampling allowance.**

4. In § 52.209(a) (1) (ii), in the second and third lines, change the symbols now reading "LRL<sub>x</sub>" and "URL<sub>x</sub>", to read "LRL<sub>1</sub>" and "URL<sub>1</sub>", respectively.

5. In § 52.209(b) (1) (iii), change the symbol "X" in the first line to read "X".

**[ 7 CFR Parts 1040, 1043 ]**

[Dockets Nos. AO-225-A25, AO-247-A18]

**MILK IN SOUTHERN MICHIGAN AND UPSTATE MICHIGAN MARKETING AREAS**

**Notice of Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders**

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Southern Michigan and Upstate Michigan marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

**PRELIMINARY STATEMENT**

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and orders as amended, were formulated, was conducted at Lansing, Mich., on May 4-5, 1972, pursuant to notice thereof issued on April 7, 1972 (37 F.R. 7338).

Cooperative associations representing the majority of producers delivering milk to handlers regulated by the Southern Michigan order requested that separate action be taken with respect to issue No. 1 as listed below to insure completion of procedure on such issue by October 1, 1972. Accordingly, this decision treats only issue No. 1.

All issues other than issue No. 1 are reserved for later decision.

The material issues on the record of the hearing relate to:

1. Diversion limitations under the Southern Michigan and Upstate Michigan orders.

2. Whether the marketing areas of Southern Michigan and Upstate Michigan orders should be included under one order.

(a) Merger of orders.

(b) Interstate commerce.

3. If an order is issued for one milk marketing area in the manner proposed, what its provisions should be.

(a) Application of the provisions of the Southern Michigan order to the combined marketing areas.

(b) Revision of provisions with respect to:

(i) Classification of skim milk and butterfat;

(ii) Class prices and location adjustments;

(iii) Distribution of proceeds to producers; and

(iv) Administrative provisions.

**FINDINGS AND CONCLUSIONS**

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) *Diversion of producer milk.* The provisions of the Southern Michigan and Upstate Michigan orders with respect to the diversion of producer milk to nonpool plants should be revised to provide that at least 6 days' production of each producer must be physically received during the month at a pool plant in order for the milk of such producer to be eligible for diversion. Diversion should be limited during the months of October through March so that the quantity of a producer's milk diverted to nonpool plants does not exceed the quantity of such producer milk physically received at pool plants, as measured by days of production.

Diversion of milk directly from the farm to a nonpool manufacturing plant is a method by which a handler may dispose of in an efficient manner the reserve milk that is a necessary part of his regular supply. In order to be assured of an adequate supply every day, a handler procuring his own milk supply must arrange to purchase regularly sufficient milk to allow for variations in production and in his daily needs for fluid processing. Production of milk varies seasonally and, accordingly, producers furnishing a sufficient supply for the low production season will produce more than an adequate supply in high production months. Handlers' daily milk requirements also vary, principally because fluid milk packaging is not carried on all days of the week.

Currently, the Southern Michigan order has no limit on the quantity of milk of a producer that may be diverted from pool plants to nonpool plants after the milk of such producer is received at a pool plant for only 1 day. The Upstate Michigan order provides that producer

milk may be diverted to a nonpool plant if milk of such dairy farmer was received previously at a pool plant on any 3 days of the current or preceding month or on half or more of the delivery days of any three of the immediately preceding 12 months.

Two cooperatives proposed that diversions be limited to the extent herein provided. They alleged that certain milk associated with the Southern Michigan market should not be pooled because it is not a part of the milk supply regularly available to handlers supplying the Class I needs of the market. The witness for the cooperatives stated that several bulk tank truck routes of producer milk have been diverted continuously for several months to nonpool plants for Class III use. For this reason they proposed requirements which would assure that the milk of each producer is associated with Class I outlets in the market. Specifically, they proposed that at least 6 days' milk production of each producer be received at a pool plant each month and that during each month October through March at least one-half of the days of milk production of each producer be received at pool plants.

Cooperatives urged that the diversion limits be based on days of production rather than the proportion of a producer's milk that is diverted, in order to simplify the accounting and auditing procedures with respect to diversion limits. They indicated also that it would best accommodate a handler's planning ahead for the days on which specific loads of producer milk will be received at pool plants or will be diverted to nonpool plants. If, on the other hand, diversion limits were based on the actual weight of milk received at pool plants and at nonpool plants, the pooling status of certain diverted milk might not be known until after it was delivered.

Most operators of pool distributing plants in the Southern Michigan and Upstate Michigan markets purchase their milk supplies from producer cooperative associations. The cooperatives as marketing agents for member producers direct farm bulk tank truckloads of milk to such distributing plants. Day-to-day and seasonal reserve supplies of milk are directed to manufacturing plants by the cooperatives.

The manufacturing plants used for processing most of the reserve milk supplies of the two markets are pool supply plants operated by cooperatives. Certain of the cooperatives, however, rely on nonpool manufacturing plants as outlets for the reserve milk supplies that they handle.

To accommodate pooling of reserve supplies handled by cooperatives, each of the orders provides that a cooperative may divert producer milk from a pool plant to a nonpool plant.

Although the Southern Michigan order permits unlimited diversions of producer milk, generally each cooperative has made the milk of its member producers available to pool distributing plants to the extent such plants need the milk. During the winter months of

1971-72, however, one newly organized producer association began using the diversion privilege of the Southern Michigan order to move several farm bulk tank routes of milk on a regular basis to a nonpool manufacturing outlet in Ohio. Much of this milk supply had previously been marketed to pool plants by other cooperative associations in the Southern Michigan market. In effect, this supply of milk has been taken off the market, but the milk still is pooled as producer milk under the diversion provisions.

Such diverted milk, estimated to amount to as much as 200,000 pounds per day, is produced in three areas within the Lower Peninsula of Michigan, which is the primary supply area for pool plants regulated under the Southern Michigan and Upstate Michigan orders. A portion of such diverted supply is produced in the vicinity of Livingston County. Another portion of the supply being diverted out of State is produced in the vicinity of Lapeer County. Both of these counties are relatively close (30-50 miles) to Detroit.

Another production area from which such cooperative recently began diverting milk supplies is a region of about 10 counties located north of Saginaw Bay. The Southern Michigan and Upstate Michigan marketing areas border each other in this part of Michigan. Although the record indicated that only producer milk on the Southern Michigan market is being diverted on a continuous basis, the practice prevails in the vicinity of the Upstate market as well as within widely dispersed areas of the Southern Michigan marketing area.

In developing order provisions to pool those milk supplies that serve the fluid market regularly, it is necessary to adopt provisions that will not also pool supplies that do not so serve the market. Such distinction is necessary otherwise the proceeds of the higher Class I price would be dissipated by including in the market pool quantities of milk acquired by handlers primarily for manufacturing purposes. Such dissipated proceeds would accrue to the benefit of dairy farmers who do not regularly or dependably furnish the fluid milk needs of consumers in the marketing area. Unless adequate standards of marketing performance are provided to determine which milk should participate fully in the market pool funds on the basis of service to the fluid market, the uniform price of the market can be depressed to the point that it affects adversely many producers regularly serving the fluid market. This inhibits the price function as the principal means of attracting an adequate supply of milk for the fluid market in an economical manner.

The quantity of milk which handlers and cooperative associations need to divert to nonpool plants depends in part upon the Class I utilization of the market. In months of high Class I utilization there is less need to divert milk than in months of low Class I utilization.

During each of the years 1968 through 1971 the monthly Class I utilization per-

centage in the Southern Michigan market reached a peak level in January and a low level in June. For such years Class I utilization averaged 71 percent in January and 58 percent in June. Class I utilization in the market has been relatively stable over the past 4 years, other than for the usual seasonal variation. Since September of 1971, however, the monthly Class I utilization percentages have averaged about 4 percentage points below corresponding months of the prior 3 years. This change is attributable mostly to an increase in receipts of producer milk on the market.

Barring any further substantial decline in the level of Class I utilization, it is apparent that about one-half to two-thirds of the milk associated with the market will be needed for fluid use during any month. In this circumstance, reserve supplies on the market will not exceed one-half of total production in any month. Moreover, since the minimum route disposition requirement for pool status of a distributing plant is that such disposition amount to at least 50 percent of the receipts of producer milk and fluid milk products from supply plants and cooperative associations, it can be expected that there will not be a need to divert more than one-half the producer milk associated with any plant.

It is apparent, however, that the milk of certain producers should be diverted more frequently than the milk of other producers, especially during the season of highest production. The distributing plants in the market are located primarily within the densely populated areas in the southern portion of the marketing area, particularly in Metropolitan Detroit, which is situated on the southeastern edge of the marketing area. The supply area, however, extends throughout the Southern Peninsula of Michigan. In addition there is a pool supply plant located in the Upper Peninsula of Michigan and two pool supply plants are located in northeast Wisconsin.

In this circumstance total hauling costs in getting the necessary supplies to distributing plants can be minimized by first utilizing that milk produced closest to distributing plants to meet the fluid milk requirements of such plants and relying on the more distant supplies to supplement nearby supplies on peak bottling days. On off peak bottling days and during the flush production season the most distant supplies appropriately should be moved to manufacturing outlets located in such production areas.

To facilitate such economic handling practice the diversion privilege may need to be used more during the months of low Class I utilization than during the months of high Class I utilization.

The pool supply plant performance requirement of the order reflect the seasonal variation of Class I use in the market. The minimum shipping requirement for pool supply plant status is 40 percent during each of the months October through March and 30 percent during each of the remaining months. Also, any supply plant that has met the required

shipping percentage during each of the months October through March, is accorded pool status for each of the following months of April through September during which it meets any announced call percentage.

Diversion limits appropriately should be consistent with such pool plant performance standards to facilitate the economic handling of milk supplies associated with the market. Since supply plants that are regularly pooled during the months October through March may retain pool status the following months of April through September, so long as they ship any supplemental milk supplies that may be needed during such months, more liberal diversion limits may be helpful to operators of such plants during April through September for efficient handling of their milk supplies. This would particularly be the case for those supply plants that only function as milk receiving and transfer stations, which do not process reserve supplies within the plant, but divert reserve supplies of milk to nearby nonpool manufacturing plants.

In view of the aforementioned considerations it is concluded that the proposed diversion limits should be adopted under the Southern Michigan order. Such limits will enhance orderly marketing by assuring that only milk of producers regularly supplying the market share in the proceeds of the market and by permitting the necessary flexibility in diverting milk not needed for fluid use.

The same diversion provisions should be adopted under the Upstate Michigan order. As previously noted, milk produced in the vicinity of the Upstate Michigan supply area is being diverted on a continuous basis. Such practice could spread to those supplies now on the Upstate market, unless the Upstate order is amended also to insure against such practice.

In addition, the provision in the Upstate Michigan order that provides for pricing diverted milk at the location of the plant from which it is diverted should be deleted to effect pricing of all diverted milk at the location of the plant at which the milk is physically received. Since the change from can to bulk tank handling, it is practicable to attach distant supplies of milk, in Wisconsin for example, to the market on a direct shipped basis. In the event any such supplies are diverted to a plant located near the farms where the milk is produced, the producers would not incur as great a hauling cost as when their milk is delivered to a pool plant located within the market. The location adjustment provisions of the order reflect such difference in hauling costs with respect to milk received at pool plants. Appropriately, the provisions should apply in the case of diverted milk as well as milk received at pool plants. Otherwise the producers of the milk diverted from a plant located in the market to a plant located near their farms and 110 miles or more from a basing point within the market would be credited from pool funds for hauling costs not incurred.

In the event of over-diversions during October-March, cooperatives proposed that the diverting handler designate which quantities of milk should not be producer milk. If the handler fails to make such designation, they proposed that no milk diverted by the handler to nonpool plants should be producer milk. Several handlers opposed such provision on the basis that overdiverted milk can be identified without such a reporting provision.

The diversion limits provided herein require specific performance by each individual producer. He must deliver each month at least 6 days' production to pool plants and must deliver to pool plants during October-March at least as many days of production as is diverted to nonpool plants. If less than 6 days' production is delivered to pool plants, none of the milk of the producer so diverted should be considered as producer milk. In the event the days of production delivered to nonpool plants exceed those received at pool plants, the days of production of milk of each producer diverted in excess of the days of production received at pool plants should not be pooled. The milk production to be considered as overdiverted in such instance should be that milk last to be diverted during the month.

In their brief several handlers supported amendments requiring a producer to deliver each month to pool plants a minimum quantity of milk. They were concerned, however, that the proposed limits on diverted milk might cause uneconomic movements of milk.

Delivery of 6 days' production during flush production months should not require uneconomic movements of milk. Such deliveries represent approximately 20 percent of a producer's total monthly production. If a handler required delivery by each producer on only the peak bottling day of each week, a minimum of 8 days' production (based upon every-other-day pickup of bulk tank milk) of each producer would be delivered to a pool plant. Requiring delivery of 6 days' production would accommodate a situation such as a week containing a holiday when the milk of a producer may not be needed during the season of highest production.

The same handlers opposed requiring during each of the months October-March the physical receipt at a pool plant of at least one-half of the days of production of each producer. They were concerned that if a handler lost a large sales account, his producers might lose a market for their milk unless the handler received the milk at the pool plant and back-hauled it to nonpool plants.

Diversion privileges are not intended as a means by which a handler may guarantee a market to each of his producers during the period in which he has lost an account to another handler. Moreover, since there is a minimum route disposition requirement of 50 percent of the milk receipts at a pool distributing plant, a plant would lose pool

status if more than half of the milk supply associated with the plant is transferred or diverted for Class II or III uses.

#### RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

#### GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

#### RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDERS

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the

handling of milk in the Southern Michigan and Upstate Michigan marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

I. In Part 1040—Southern Michigan  
1. Revise § 1040.10 to read as follows:

#### § 1040.10 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk:

(a) Received from producers at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1040.7(c); and

(b) Diverted to a nonpool plant by the operator of a pool plant or a cooperative association as a handler pursuant to § 1040.7(d) subject to the following conditions:

(1) In any month that less than 6 days' production of a producer is delivered to pool plants the quantity of milk of the producer diverted during the month shall not be producer milk.

(2) In any month of October through March, the quantity of milk of any producer diverted to nonpool plants that exceeds the quantity of such producer's milk physically received at pool plants, as measured by days of production, shall not be producer milk. The days of production last diverted, which exceed the days of production received at pool plants shall not be producer milk.

(3) Milk which is subject to pooling under another Federal order, shall not be producer milk.

II. In Part 1043—Upstate Michigan.  
Revise § 1043.11 to read as follows:

#### § 1043.11 Producer.

"Producer" means any qualified dairy farmer whose milk is:

(a) Received directly from the farm at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association, subject to the following conditions:

(1) In any month that less than 6 days' production of a producer is delivered to pool plants the quantity of milk of the producer diverted during the month shall not be producer milk.

(2) In any month of October through March, the quantity of milk of any producer diverted to nonpool plants that exceeds the quantity of such producer's milk physically received at pool plants, as measured by days of production, shall not be producer milk. The days of production last diverted, which exceed the days of production received at pool plants shall not be producer milk.

(3) Milk which is subject to pooling under another Federal order, shall not be producer milk.

Signed at Washington, D.C., on August 29, 1972.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.72-14969 Filed 8-31-72;8:50 am]

[ 7 CFR Part 1133 ]

[Docket No. AO275-A25]

**MILK IN INLAND EMPIRE  
MARKETING AREA**

**Notice of Hearing on Proposed  
Marketing Agreement and Order**

Notice is hereby given of a public hearing to be held at the Holiday Inn, Sunset Highway, Spokane, Wash., beginning at 10 a.m., local time, on September 12, 1972, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Inland Empire marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The hearing is for the purpose of:

(a) Receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof;

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)).

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

**PROPOSED BY THE SPOKANE MILK  
PRODUCERS ASSOCIATION**

**PROPOSAL NO. 1**

Amend § 1133.8 by adding to the first sentence the following: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately, and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

**PROPOSAL NO. 2**

Amend § 1133.12(c) to read as follows:

**§ 1133.12 Producer milk.**

(c) With respect to diversions to non-pool plants:

(1) A cooperative association may divert for its account, under paragraph (b)(1) of this section, the milk of any member-producer eligible for diversion. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of September through March, and unlimited diversion in the months of April through August, of its total member milk received at all pool plants or diverted therefrom during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member-

producers if each association has filed in writing with the market administrator a request for such computation;

(2) A handler operating a pool plant may divert for his account under paragraph (a)(2) of this section, milk of any producer eligible for diversion, other than a member of a cooperative association which diverts milk under subparagraph (1) of this paragraph. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of September through March and unlimited diversion in the months of April through August, of the milk received at or diverted from such pool plant during the month from producers;

(3) Milk diverted in excess of the limits specified shall not be considered as producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler;

(4) Producers eligible for diversion are those whose milk has been received at the pool plant prior to diversion from such plant (but not necessarily in the current month). Producers eligible for diversion in the months of September, October, or November must in addition have their milk received at a pool plant on at least 2 days production (1 day in the case of every-other-day delivery) during the current month; and

(5) For the purpose of location adjustments pursuant to §§ 1133.53 and 1133.81, diverted milk shall be considered to have been received at the location of the plant to which diverted.

**PROPOSAL NO. 3**

Amend § 1133.81(a) to read as follows:

**§ 1133.81 Location differentials to producers and on nonpool milk.**

(a) In making payments pursuant to § 1133.80 the market administrator shall reduce the uniform price computed pursuant to § 1133.71 by the location differential applicable at the plant where such was first physically received from producers, and the uniform prices of producer milk diverted to a nonpool plant according to the location of the nonpool plant, each at the rates set forth in § 1133.53.

**PROPOSED BY THE DAIRY DIVISION,  
AGRICULTURAL MARKETING SERVICE**

**PROPOSAL NO. 4**

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, Post Office Box 23354, Portland, OR 97223, or West 55 Mission Avenue, Spokane, Wash. 99201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agricul-

ture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on August 22, 1972.

**JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.**

[FR Doc.72-14973 Filed 8-31-72;8:50 am]

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

**Office of Assistant Secretary for Housing  
Production and Mortgage  
Credit—Federal Housing Commission  
[Federal Housing Administration]**

**[ 24 CFR Part 203 ]**

[Dockets Nos. R-72-197, R-72-198]

**MUTUAL MORTGAGE INSURANCE  
AND INSURED HOME IMPROVE-  
MENT LOANS**

**Maximum Charges, Fees, or Discounts;  
Extension of Time for Filing Com-  
ments**

On July 4, 1972, the Department of Housing and Urban Development published notices of proposed rule making in the FEDERAL REGISTER at 37 F.R. 13185 and 13186. These notices proposed to amend Title 24 of the Code of Federal Regulations by revising § 203.27. Interested persons were given the opportunity to submit written comments regarding the proposed amendment until July 31, 1972, which date was extended to August 31, 1972, pursuant to a notice published in the FEDERAL REGISTER, August 1, 1972 (37 F.R. 15383).

The number of comments received by the Department has been voluminous. The Department has also received numerous requests for a further extension of the period during which comments may be considered.

In addition, the Veterans' Administration published regulations on August 26, 1972 (37 F.R. 17424), governing the amounts of settlement costs allowable in connection with home loans guaranteed and insured by that agency. Persons may wish to make further comments on the proposed regulations published by this Department in light of the August 26, 1972, publication by the Veterans' Administration.

In order to insure that all interested persons have an opportunity to comment on the proposed regulations, the date for submission of written comments is hereby extended to October 15, 1972.

Issued at Washington, D.C., August 29, 1972.

**JOHN L. GANLEY,  
Deputy Assistant Secretary for  
Housing Production and Mort-  
gage Credit.**

[FR Doc.72-15009 Filed 8-31-72;8:55 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 39 ]

[Docket No. 12172]

### HANDLEY PAGE MODEL HP-137 Mk 1 AIRPLANES

#### Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Handley Page (Jetstream Aircraft, Ltd.) Model HP-137 Mk 1 airplanes. The FAA has determined that it is possible for the 30 amp fuse, F10, in the D.C. power control box to open and cause unnecessary interruption of current flow to the battery bus and nonessential bus, under fault conditions for which one of the 10 amp H.F. circuit breakers is intended to provide protection, on Handley Page Model HP-137 Mk 1 airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the replacement of the 30 amp fuse, F10, in the D.C. power control box with a resettable circuit breaker having a 25 amp rating.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before October 2, 1972, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**HANDLEY PAGE (JETSTREAM AIRCRAFT LTD.)**. Applies to Model HP-137 Mk 1 airplanes.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished.

To prevent the possible unnecessary interruption of current flow to the battery bus and nonessential bus, replace the 30 amp fuse, F10 in the D.C. power control box with a 25 amp Kilxon circuit breaker, P/N D6761-1-25, in accordance with Jetstream Aircraft Ltd. Modification No. 5006, Parts 1 and 2, dated September 1971, or an FAA-approved equivalent.

This amendment is proposed under the authority of sections 313(a), 601, and 603, of the Federal Aviation Act of

1958, 49 U.S.C. 1354(a), 1421, and 1423, and of sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on August 25, 1972.

C. R. MELUGIN, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc. 72-14921 Filed 8-31-72; 8:49 am]

[ 14 CFR Part 39 ]

[Docket No. 12173]

### AVIONS MARCEL DASSAULT FAN JET FALCON AIRPLANES

#### Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Avions Marcel Dassault Fan Jet Falcon airplanes, Serial Nos. 1 through 111, which have aluminum alloy air-conditioning pipes, P/N's MY20-721-28-1 and MY20-721-61-1, installed. There have been reports of failures of the aluminum alloy air-conditioning pipes in the rear compartment on Avions Marcel Dassault Fan Jet Falcon airplanes which could result in very hot air entering the compartment and in damage to the airplane structure. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections of the studs for scoring or bending, the weld beads and adjoining areas at pipe junctions for cracks, and the holes receiving studs that retain the SEMCA coupling on pipe P/N MY20-721-28-1 for stretching or elongation. The proposed airworthiness directive would also require replacement of the aluminum alloy pipes if defects are found during an inspection, and either the repetitive replacement, at intervals not to exceed 600 hours' time in service, of the aluminum alloy pipes with pipes of the same part number or their replacement with pipes made from stainless steel.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before October 2, 1972, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations

by adding the following new airworthiness directive:

**AVIONS MARCEL DASSAULT**. Applies to Fan Jet Falcon airplanes, Serial Nos. 1 through 111, which have aluminum alloy air-conditioning pipes, P/N's MY20-721-28-1 and MY20-721-61-1, installed.

Compliance required as indicated.

To prevent the leakage of very hot air into the rear compartment, accomplish the following unless already accomplished:

(a) Within the next 100 hours' time in service after the effective date of this AD, comply with subparagraphs (1) and (2), and thereafter comply with subparagraph (1) at intervals not to exceed 200 hours' time in service from the last inspection.

(1) Visually inspect the studs which retain the SEMCA coupling on pipe, P/N MY20-721-28-1, for scoring or bending, and inspect the holes receiving those studs for stretching or elongation.

(2) Inspect the weld beads and adjoining areas at the junction of the pipes, P/N's MY20-721-28-1 and MY20-721-61-1, for cracks using a magnifying glass of 5 power or greater and a dye penetrant.

(b) Within the next 100 hours' time in service after the effective date of this AD or before the accumulation of 600 hours' time in service on an aluminum alloy air-conditioning pipe, P/N MY20-721-28-1 or MY20-721-61-1, whichever occurs later—

(1) Replace the pipes, P/N's MY20-721-28-1 and MY20-721-61-1, with pipes of the same part number and thereafter continue to replace the pipes before the accumulation of 600 hours' time in service thereon and comply with paragraph (d); or

(2) Replace the pipes, P/N's MY20-721-28-1 and MY20-721-61-1, with stainless steel pipes, P/N's MY20-721-28-2 and MY20-721-61-2, in accordance with Dassault Service Bulletin No. 442 (21-31) dated February 16, 1972, or an FAA-approved equivalent.

(c) If scoring or bending of the studs or stretching or elongation of the holes are found during an inspection specified in paragraph (a) (1) or cracks are found during an inspection specified in paragraph (a) (2) before further flight comply with subparagraph (1) or (2) of paragraph (b).

(d) For aluminum alloy pipes installed as replacements in accordance with subparagraph (1) of paragraph (b)—

(1) Before the accumulation of 100 hours' time in service thereon, comply with subparagraphs (1) and (2) of paragraph (a); and

(2) Thereafter, comply with subparagraph (1) of paragraph (a) at intervals not to exceed 200 hours' time in service from the last inspection.

(e) Operators who have not kept records of hours' time in service on pipes, P/N MY20-721-28-1 and P/N MY20-721-61-1, shall substitute airplane hours' time in service in lieu thereof.

(f) The inspections required by paragraphs (a) and (d) and the replacements specified in subparagraph (1) of paragraph (b) may be discontinued when the aluminum alloy air-conditioning pipes, P/N's MY20-721-28-1 and MY20-721-61-1, are replaced with stainless steel pipes, P/N's MY20-721-28-2 and MY20-721-61-2, in accordance with Dassault Service Bulletin No. 442 (21-31), dated February 16, 1972, or an FAA-approved equivalent.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 24, 1972.

C. R. MELUGIN, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc.72-14922 Filed 8-31-72;8:49 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 72-WA-12]

**BOSTON, MASS.**

**Proposed Terminal Control Area**

The Federal Aviation Administration (FAA) is considering the adoption of a Group I Terminal Control Area (TCA) for Boston, Mass. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCA's is contained in FAA Advisory Circular AC No. 91-30 dated June 11, 1970, Subject: Terminal Control Areas (TCA).

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, de-

rived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard from the safety of civil aircraft. Also, the proposed rule places no requirements on foreign aircraft operating in international airspace.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

On January 7, 1970, the Federal Aviation Administration held a public hearing in Boston, to discuss the original TCA concept designed for the Boston terminal area. On June 2, 1970, a meeting was held with the users and user representatives in the local Boston area to consider the problems associated with the TCA configuration. Many persons objected to the TCA concept and particularly the Boston proposal and indicated a preference for climb/descent corridors. As a result of this meeting, the FAA agreed to test the climb/descent corridor concept and further action on the TCA program was suspended. A comprehensive simulation of the corridor concept was conducted at Boston, Mass., during June and July 1971. All users were invited to observe and/or participate in the test. It was concluded that although any of the airspace configurations tested would provide the desired degree of safety, the TCA configuration provides for the most efficient use of the airspace in a high density terminal area. Therefore, the FAA has resumed action to establish a TCA at Boston.

The proposed Boston TCA configuration has again been reviewed and operational knowledge derived from currently established TCA's applied, resulting in several airspace changes. On April 21, 1972, a meeting was again held with the users and user representatives in the local Boston area and the newly proposed TCA configuration was presented at that time. The primary objections voiced at this meeting were directed to the proposed 3,000 foot TCA floor over general aviation airports and practice areas northwest, west, and southwest, of Boston. In consideration of these views, a floor of 4,000 feet MSL is proposed for the area of concern.

In consideration of the foregoing, it is proposed to amend to Part 71 of the

Federal Aviation Regulations by adding the following to § 71.401(a) Group I terminal control areas.

**BOSTON, MASS., TERMINAL CONTROL AREA**

Primary Airport: Logan International Airport (lat. 42°21'56" N., long. 71°01'32" W.).  
Boston VORTAC (lat. 42°21'28" N., long. 70°59'38" W.).

**BOUNDARIES**

*Area A.* That airspace extending upward from the surface to 7,000 feet MSL within an 8-mile radius of the Boston VORTAC.

*Area B.* That airspace extending upward from 2,000 feet MSL to 7,000 feet MSL within a 10.5-mile radius of the Boston VORTAC, excluding Area A.

*Area C.* That airspace extending upward from 3,000 feet MSL to 7,000 feet MSL within a 20-mile radius of the Boston VORTAC, excluding areas A and B previously described and Area D hereinafter described.

*Area D.* That airspace extending upward from 4,000 feet MSL to 7,000 feet MSL between the 15- and 20-mile radii of the Boston VORTAC extending from the Boston VORTAC 245° M radial clockwise to the Boston VORTAC 020° M radial.

This amendment is proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510) Executive Order 10854 (24 F.R. 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 28, 1972.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.72-14919 Filed 8-31-72;8:48 am]

[ 14 CFR Parts 71, 75 ]

[Airspace Docket No. 72-SO-75]

**JET ROUTE SEGMENT**

**Proposed Alteration**

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter jet route Nos. 85 and 89 between Lakeland, Fla., and Alma, Ga.; redescribe jet route No. 119 between St. Petersburg, Fla., and Taylor, Ga.; revoke the Gainesville, Fla., high altitude reporting point; and designate Taylor, Fla., as a high altitude reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the

Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The airspace actions proposed herein would complement a previous action (effective September 14, 1972) which realines J-75 in part from Lakeland direct Taylor, direct Columbia, S.C.—thereby bypassing Gainesville, Fla., and would negate the requirement for Gainesville as a reporting point or as a navigation aid in the high altitude route structure. This proposal would realine J-85 and J-89 in part from Lakeland via Taylor to Alma, realine J-119 in part from St. Petersburg to Taylor, revoke Gainesville as a high altitude reporting point, and replace it with Taylor as a high altitude reporting point. J-119 would terminate at Taylor. Realignment of J-119 as proposed would improve navigation and reduce the amount of protected airspace associated with the route by reducing the distance between navigational aids on which the route is predicated. Realignment of J-85 and J-89 as proposed would provide alignment of a coinciding segment of J-75, J-85, and J-89 via the same navigation aids.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 24, 1972.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.72-14920 Filed 8-31-72; 8:48 am]

### National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1-9; Notice 12]

#### EXTERIOR PROTECTION

##### Use of Pressure Vessels in Impact Absorption Systems

The purpose of this notice is to propose an amendment to Motor Vehicle Safety Standard No. 215, Exterior Protection, 49 CFR 571.215, relating to the use of pressure vessels in impact absorption systems.

The proposal is in response to a petition for rule making submitted by General Motors, in which the petitioner expressed concern about the possibility of conflicting regulation of pressure vessels at the State and local level and requested Federal regulation for the purposes of preemption. The requirement suggested by General Motors is that the stress on

the container walls at charged pressure not exceed the yield strength of the walls.

Recognizing that the existence of regulatory conflicts imposes a severe impediment on the manufacture and distribution of the products affected, the NHTSA is favorably inclined to the petition. It appears, however, that the requirement should take account of the stresses encountered by the impact absorption systems at operational pressure, rather than, as in the General Motors suggestion, merely at storage pressure.

In order to fit the requirements for pressure vessels into the test format of Standard 215 and insure adequate regulation, it is proposed that the standard be amended to require pressure vessels to withstand the test impacts without releasing pressure to the atmosphere. The effect of adding the new section to the protective criteria of S5 would be to require pressure vessels to have walls with yield strength at least as great as that proposed by General Motors, and at the same time to regulate their operational aspects.

It is therefore proposed that 49 CFR 571.215, Motor Vehicle Safety Standard No. 215, exterior protection, be amended by adding S5.3.7 to read as follows:

S5.3.7 Each device used to absorb impact energy by the accumulation of air pressure or hydraulic pressure shall not release pressure to the atmosphere.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on October 2, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after the date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

*Proposed effective date.* Because of the imminent production of systems that will be affected by the proposed amendment, there is a need for immediate effectiveness. It is therefore proposed that the amendment be effective upon publication of a final rule in the FEDERAL REGISTER.

Issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392,

1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on August 24, 1972.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.72-14986 Filed 8-29-72; 4:43 pm]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 73, 76]

[Docket No. 19513]

### SPONSORSHIP IDENTIFICATION RULES

#### Order Extending Time for Filing Reply Comments

In the matter of amendment of the Commission's sponsorship identification rules (§§ 73.119, 73.289, 73.654, 73.789, and 76.221).

1. The notice of proposed rule making in this proceeding was adopted May 17, 1972 (FCC 72-439), and published in the FEDERAL REGISTER on May 25, 1972 (37 F.R. 10583). The dates for filing comments and reply comments originally were June 26 and July 10, 1972, and have been variously extended to August 2 and August 23, 1972.

2. Metromedia, Inc. (Metromedia), filed a motion on August 21, 1972, requesting a further extension for filing reply comments to and including September 22, 1972. Metromedia, which filed comments on August 2, 1972, is particularly concerned with the comments filed by Friends of the Earth (FOE), which Metromedia feels "in fact, [are] in the nature of counterproposals \* \* \* touch[ing] sensitive issues of policy which must be thoroughly examined prior to preparation of a considered response." Additionally, Metromedia states that its counsel will be on a long-planned vacation until after Labor Day.

3. The requested extension appears to be warranted. Accordingly, it is ordered. That the time for filing reply comments is extended to and including September 22, 1972. However, in view of the number of extensions, it is anticipated that no more will be necessary.

4. Authority for this action is found in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: August 23, 1972.

Released: August 24, 1972.

[SEAL] HAROLD L. KASSENS,  
Acting Chief, Broadcast Bureau.

[FR Doc.72-14982 Filed 8-31-72; 8:52 am]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 72-227]

#### J. B. WOOD SHIPPING CO., INC.

#### Cancellation With Prejudice of Customhouse Broker's License

Notice is hereby given that the Commissioner of Customs on August 29, 1972, pursuant to section 641, Tariff Act of 1930, as amended, and § 111.51(b), Customs regulations, as amended, upon the specific request of J. B. Wood Shipping Co., Inc., Baltimore, Md., canceled with prejudice customhouse broker's license No. 3412 issued to it on March 26, 1962, for Customs Collection District No. 13 (now the Customs District of Baltimore). The Commissioner's decision is effective as of August 29, 1972.

[SEAL] EDWIN F. RAINS,  
Acting Commissioner of Customs.  
[FR Doc. 72-14983 Filed 8-31-72; 8:51 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### YUMA DISTRICT MANAGER, ARIZONA

#### Redelegation of Authority

AUGUST 23, 1972.

Pursuant to Bureau Order No. 701, dated July 23, 1964, as amended, and delegation of authority, Lower Colorado River land use program, dated August 31, 1972, the following redelegations are made to the Yuma district manager:

1. All redelegations to the district manager found in section 3.0 of Bureau Order 701 apply to the Yuma district manager except that the redelegations found in 3.7(a) of that order relating to grazing district administration are withheld.

2. All functions of the Arizona State Director redelegated to him pursuant to the delegation of authority, Lower Colorado River land use program, dated August 31, 1972, relating to the Lower Colorado River land use plan as specified in Departmental Manual 235.1D and 613.1, are redelegated to the Yuma district manager within his specific area of responsibility and in accordance with existing policies, regulations, and procedures of the Department of the Interior and under the direct supervision of the Arizona State Director.

The Yuma district manager may redelegate to qualified employees authorities vested in him by this document. Any order of delegation must specify the extent of and limitations in the grant of author-

ity, and must be approved by the Arizona State Director and published in the FEDERAL REGISTER.

All previous delegations from the Arizona State Director to the manager, Lower Colorado River office, are revoked.

JOE T. FALLINI,  
State Director.

[FR Doc. 72-14825 Filed 8-31-72; 8:45 am]

### National Park Service

#### NATIONAL REGISTRY OF NATURAL LANDMARKS

#### Additions

Pursuant to authority contained in the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461), the National Park Service, Department of the Interior, is administering and implementing a natural areas program, including the National Registry of Natural Landmarks. A notice in the FEDERAL REGISTER of January 29, 1972 (pp. 1496-1499), contained the objectives of the Natural Landmarks Program, the methods used in identifying potential natural landmarks, the criteria used in evaluating natural areas, and a list of sites eligible for inclusion in the National Registry of Natural Landmarks. Further notice is hereby given that the list of eligible natural landmarks is amended by addition of the sites listed below.

All Federal agencies should take cognizance of the sites included in the National Registry of Natural Landmarks to fulfill the intent of section 102 of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4331).

Dated: August 23, 1972.

ERNEST ALLEN CONNALLY,  
Associate Director,  
National Park Service.

The sites listed below which have been registered are indicated by an asterisk.

The following sites have been added to the National Registry:

#### ALABAMA

\*Cathedral Caverns, Marshall County—4 miles northeast of Grant.

#### ARKANSAS

Mammoth Spring, Fulton County—north-east of Mammoth Spring.

#### CALIFORNIA

\*Miramar Mounds, San Diego County—12 miles north of central San Diego.

#### GEORGIA

\*Cason J. Callaway Memorial Forest, Harris County—1 mile west of Hamilton.

#### HAWAII

Makalawena Marsh, Island of Hawaii—near Kawikahala Point.

#### INDIANA

Donaldson Cave System and Woods, Lawrence County—5 miles east of Mitchell.  
Rtse at Orangeville, Orange County—south of West Road in Orangeville.  
\*Tolliver Swallowhole, Orange County—4 miles north-northwest of Paoli.  
\*Wesley Chapel Gulf, Orange County—2 miles east-southeast of Orangeville.  
Wyandotte Cave, Crawford County—30 miles west of New Albany.

#### MASSACHUSETTS

Acushnet Cedar Swamp, Bristol County—northwest of New Bedford.  
Fannie Stebbins Refuge, Hampden County—5 miles south of Springfield.  
Lynnfield Marsh, Essex and Middlesex Counties—between Wakefield and South Lynnfield.  
Poutwater Pond, Worcester County—north of Holden.

#### MISSOURI

\*Mark Twain and Cameron Caves, Marion County—2 miles southeast of Hannibal.  
Marvel Cave, Stone County—50 miles south of Springfield.

#### NEW HAMPSHIRE

East Inlet Natural Area, Coos County—northeast of Second Connecticut Lake.  
Floating Island, Coos County—2½ miles east-northeast of Errol.  
Heath Pond Bog, Carroll County—2 miles northeast of Center Ossipee.  
Pondicherry Wildlife Refuge, Coos County—2 miles northeast of Whitefield Airport in Jefferson.  
Spruce Hole Bog, Strafford County—2 miles west-southwest of Durham.

#### NEW YORK

Hart's Woods, Monroe County—10 miles southeast of Rochester.

#### VIRGINIA

Great Dismal Swamp, Nansemond County—20 miles west of Norfolk.

[FR Doc. 72-14948 Filed 8-31-72; 8:49 am]

### Office of Hearings and Appeals

[Docket No. M72-40]

#### CARNIE CARR, SR., ET AL.

#### Notice of Petition Regarding Modification of Safety Standard

In regard to petition of Carnie Carr, Sr., et al. (formerly entitled petition of Arthur Oliver Hawk, et al.) for modification of safety standard (30 CFR 77.403), Docket No. M 72-40.

Notice is hereby given that a group of miners employed by Allegheny Mining Corp. as bulldozer and front-end loader operators at mines I.D. No. 46-02151, Job Nos. 001-0, 002-0, 003-0, 004-0, and 005-0, have filed a petition to modify 30 CFR Part 403.

The regulation in question states:

Section 77.403 Mobile equipment; canopies and roll protection. Forklift trucks, front-end

loaders, and bulldozers shall be provided with substantial canopies and roll protection when necessary to protect the operator.

Mr. Carnie Carr, Sr., is the representative of the miners and he states their position as follows:

We think these rollbars and seatbelts are more dangerous because the rollbars cut down our visibility, also with the extra posts there is not room to get off or out of the way in case of a flying limb from a tree or any other object, secondly, if a person is strapped in the seat with a seat belt and a hydraulic line or oil line would burst it could very well burn the operator seriously before he could get away—plus rollbars and seatbelts tends to give a younger operator too much confidence resulting in more accidents than if they did not have them.

Parties interested in this petition shall file their answer or comments and their request for a hearing, if they wish one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, with the Office of Hearings and Appeals, Hearings Division U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,  
*Acting Director,*  
*Office of Hearings and Appeals.*

AUGUST 25, 1972.

[FR Doc.72-14898 Filed 8-31-72; 8:46 am]

**Office of the Secretary**

[DES 72-87]

**PROPOSED WILDERNESS AREA,  
SNAKE RIVER ISLANDS, IDAHO  
AND OREG.**

**Notice of Availability of Draft  
Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for a proposed wilderness area, located in Washington, Canyon, Payette, and Owyhee Counties in southwestern Idaho and Malheur County, Oreg., and invites written comments within 45 days of this notice.

Under this proposal, 734 acres of the Snake River sector of the Deer Flat National Wildlife Refuge would be designated as wilderness within the National Wilderness Preservation System. The statement examines the environmental impacts of the proposed designation.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, Room 288, 1500 Northeast Irving Street, Post Office Box 3737, Portland, OR 97208.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental

Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

W. W. LYONS,  
*Deputy Assistant Secretary,*  
*Program Policy.*

AUGUST 25, 1972.

[FR Doc.72-14897 Filed 8-31-72; 8:46 am]

**DEPARTMENT OF AGRICULTURE**

**Soil Conservation Service**

**HURRICANE CREEK WATERSHED  
PROJECT, TENN.**

**Notice of Availability of Draft  
Environmental Statement**

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture, has prepared a draft environmental statement for the Hurricane Creek Watershed Project, Humphreys County and Dickson County, Tenn., USDA-SCS-ES-WS-(ADM)-72-30(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. The planned works of improvement include conservation land treatment, supplemented by seven floodwater retarding structures and one multiple-purpose reservoir with storage capacity for floodwater and municipal and industrial water supply.

This draft environmental statement was transmitted to CEQ on August 25, 1972.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tenn. 37203.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of statement above when ordering. The estimated cost is \$3.

Hurricane Creek Watershed Project, Tenn., notice of availability of draft environmental statement.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are invited from anyone having knowledge of or special expertise with respect to environmental impacts.

Comments concerning the proposed action and request for additional information should be addressed to Mr. Paul M. Howard, State Conservationist, SCS, 561 U.S. Courthouse, Nashville, Tenn. 37203.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered

in the preparation of the final environmental statement.

NORMAN A. BERG,  
*Acting Administrator,*  
*Soil Conservation Service.*

AUGUST 25, 1972.

[FR Doc.72-14924 Filed 8-31-72; 8:46 am]

**NUTWOOD WATERSHED PROJECT,  
ILL.**

**Notice of Availability of Draft  
Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Nutwood Watershed Project, Greene and Jersey Counties, Ill., USDA-SCS-ES-WS-(ADM)-73-11-(D).

The environmental statement concerns a plan for watershed protection, flood prevention and drainage. The planned works of improvement include conservation land treatment, supplemented by three floodwater retarding structures, two water level control structures, and an auxiliary pumping plant.

This draft environmental statement was transmitted to CEQ on August 22, 1972.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, Federal Building, 200 West Church Street, Post Office Box 678, Champaign, IL 61820.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is \$3.20.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action and requests for additional information should be addressed to Howard W. Busch, State Conservationist, Soil Conservation Service, Federal Building, 200 West Church Street, Post Office Box 678, Champaign, IL 61820.

Comments must be received within 60 days of the date the draft statement was transmitted to CEQ, in order to be considered in the preparation of the final environmental statement.

Dated: August 24, 1972.

KENNETH E. GRANT,  
*Administrator,*  
*Soil Conservation Service.*

[FR Doc.72-14976 Filed 8-31-72; 8:50 am]

## DEPARTMENT OF COMMERCE

Office of the Secretary

### OZARKS ECONOMIC DEVELOPMENT REGION

#### Modification of Boundaries

Pursuant to the provisions of section 501(a) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3181(a)), and having examined all pertinent data, I have determined that the Ozarks Economic Development Region, heretofore designated on March 1, 1966, and composed of parts of the States of Arkansas, Kansas, Missouri, and Oklahoma, meets the requirements of the Act for enlargement. Accordingly, in response to a recommendation from the Ozarks Regional Commission and to a request from the Governor of the State of Louisiana, I have today modified the boundaries of the Ozarks Economic Development Region so that it now includes the entire States of Arkansas, Louisiana, Missouri, Oklahoma, and the Counties of Allen, Bourbon, Cherokee, Crawford, Labette, Montgomery, Neosho, Wilson, and Woodson in the State of Kansas.

All inquiries relating to this modification should be addressed to the Special Assistant to the Secretary for Regional Economic Coordination, 5618 Main Commerce Building, Washington, D.C. 20230.

PETER G. PETERSON,  
Secretary of Commerce.

AUGUST 15, 1972.

[FR Doc.72-14941 Filed 8-31-72; 8:52 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2823]

### UNION CARBIDE CORP.

#### Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 3B2823) has been filed by Union Carbide Corp., River Road, Bound Brook, N.J. 08805, proposing that § 121.2514 *Resinous and polymeric coatings* be amended to provide for the safe use of ethylene-acrylic acid copolymers, and/or their partial ammonium salts, as components of resinous and polymeric coatings in contact with food.

Dated: August 24, 1972.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.72-14944 Filed 8-31-72; 8:52 am]

## Public Health Service

### HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

#### Statement of Organization, Functions and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968) as amended, is hereby amended with regard to Section 3-20, Organization and Functions, as follows:

In Chapter 3A-00 (Office of the Administrator), after the paragraph entitled Office of Equal Employment Opportunity (3A0108), insert the following sidehead and succeeding paragraph:

*Office of Executive Secretariat (3A0109).* (1) Identifies, from the flow of communications and reports to the Administrator, matters of special concern, calls them to the attention of the Administrator, and makes relevant recommendations; (2) serves as the focal point in the control of written communications from and to the Administrator, including their receipt, review, evaluation, action assignment, and followup to insure timely and appropriate action; (3) establishes standards for and insures the quality of written communications throughout the Administration; (4) at the direction of the Administrator, provides necessary administrative support for formal meetings of advisory and other groups, including scheduling, development of agenda items, and recording of proceedings; (5) maintains for the Administrator a docket of pending requests for action and a structured device for assuring timeliness of responses; and (6) establishes and maintains central files for the Office of the Administrator.

STEVEN D. KOHLERT,  
Deputy Assistant Secretary  
for Management.

AUGUST 25, 1972.

[FR Doc.72-14993 Filed 8-31-72; 8:46 am]

### Social Security Administration HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

#### Notice of Meeting

Notice is hereby given, pursuant to Executive Order No. 11671, published in the FEDERAL REGISTER of June 7, 1972 (37 F.R. 11307), that the Health Insurance Benefits Advisory Council, established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of the Department of Health, Education, and Welfare on medicare matters, will meet on Friday, September 15, 1972, and Saturday, September 16, 1972, at 9 a.m. in Room G-10, East Building, Social Security Administration, Woodlawn, Baltimore

County, Md. The various committees will meet Thursday evening, September 14, and will report to the Council on Saturday. The meeting is open to the public. The Council will discuss its annual report and other matters relating to the medicare program.

Further information on the Council may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance Benefits Advisory Council, Room 585 East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone 301-594-9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

Dated: August 25, 1972.

MAX PERLMAN,  
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.72-14946, Filed 8-31-72; 8:49 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT STANDARDS DIVISION,  
ROCKY MOUNTAIN REGION

Engineering and Manufacturing  
Program Functions

Effective July 1, 1972, jurisdiction for Engineering and Manufacturing Branch program functions was assumed by the Rocky Mountain Region, Flight Standards Division, Engineering and Manufacturing Branch, for the States of Colorado, North Dakota, South Dakota, Montana, Utah, and Wyoming.

Engineering and Manufacturing Branch functions include: The type certification of new or modified aircraft, aircraft engines, and propellers, and approval of appliances and replacement parts; Production approvals and surveillance of manufacturing facilities producing aircraft engines, propellers, appliances, and replacement or modification parts; Original airworthiness certification of aircraft, including new, experimental, surplus military, import, export, and amateur-built aircraft, and airworthiness approval of articles produced prior to issuance of production approvals.

Engineering and manufacturing functions within the geographic boundaries of the Rocky Mountain Region were previously carried out by the Central and Western Regions.

This information will be reflected in the FAA Organizational Statement the next time it is reissued.

Issued at Aurora, Colo., on August 17, 1972.

I. H. HOOVER,  
Acting Director, ARM-1.

[FR Doc.72-14915 Filed 8-31-72; 8:48 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-335]

### FLORIDA POWER & LIGHT CO.

#### Determination To Rescind Suspension of Certain Construction Activities Pending Completion of NEPA Environmental Review

The Florida Power & Light Co. (the licensee) is the holder of Construction Permit No. CPPR-74 (the construction permit), issued by the Atomic Energy Commission on July 1, 1970. The construction permit authorizes the licensee to construct a pressurized water nuclear power reactor, designated as the Hutchinson Island Plant Unit 1, at a site in St. Lucie County, Fla. The reactor is designed for initial operation at approximately 2,440 megawatts (thermal).

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50 (Appendix D), the licensee filed with the Commission a written statement of reasons, with a supporting factual submission, why the construction permit should not be suspended, in whole or in part, pending completion of the NEPA environmental review.

The Director of Regulation considered the licensee's submission in light of the criteria set out in section E.2 of Appendix D, and, on December 2, 1971, initially determined, after considering and balancing the criteria in section E.2 of Appendix D, that activities involving off-site right-of-way clearing and construction of transmission lines for the Hutchinson Island Plant should be suspended pending completion of the NEPA review of the environmental impact of these activities (36 F.R. 23404, December 9, 1971). On December 2, 1971, the Director of Regulation issued an order to show cause why these construction activities should not be so suspended. On January 3, 1972, the licensee responded to the order and demanded a hearing. In its response the licensee requested that no hearing be scheduled pending further motion by the licensee at such time as it became clear that the NEPA review would not be timely completed. On February 4, 1972, the Director of Regulation, after consideration of the licensee's response, issued an order suspending these construction activities at the Hutchinson Island Plant.

The Director of Regulation has reconsidered that determination in light of information developed by the AEC regulatory staff's ongoing environmental review and has now determined, after considering and balancing the factors in section E.2 of Appendix D, along with the factor dealt with by the U.S. Court of Appeals for the District of Columbia Circuit in "Coalition For Safe Nuclear Power v. AEC," No. 71-1396 (April 7,

1972),<sup>1</sup> that activities involving off-site right-of-way clearing and construction of transmission lines for the Hutchinson Island Plant Unit 1 should no longer be suspended pending completion of the full NEPA environmental review. Accordingly, the Director of Regulation has served upon the licensee an Order rescinding the suspension which will become effective 30 days following publication of this determination in the FEDERAL REGISTER.

Further details of this determination are set forth in a document entitled "Amended Discussion and Findings by the Directorate of Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permit for the Hutchinson Island Plant Unit 1, Docket No. 50-335," dated August 1972.

Pending completion of the full NEPA review, the holder of Construction Permit No. CPPR-74 proceeds with construction at its own risk. The determination herein and the discussion and findings hereinabove referred to, do not preclude the Commission, upon completion of its NEPA environmental review, from continuing, modifying or terminating the construction permit or from appropriately conditioning the permit to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such request shall set forth the matters, with regard to the factors referenced hereinabove, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER. If a request for a hearing is filed within the time specified, the effectiveness of the order rescinding the suspension will be stayed pending appropriate disposition of such request.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the construction permit should not be suspended pending completion of the NEPA environmental review, the document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permit for the Hutchinson Island Plant Unit 1, Docket No. 50-335," and the document entitled "Amended Discussion

<sup>1</sup> This factor concerns the degree to which additional irretrievable commitments of financial resources, associated with the requested activities during the NEPA review period, might affect the decision based upon the full NEPA review.

and Findings by the Directorate of Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permit for the Hutchinson Island Plant Unit 1, Docket No. 50-335," as well as the determination, orders and answer referred to above are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Fla. 33450. Copies of these documents may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 28th day of August 1972.

For the Atomic Energy Commission,

L. MANNING MUNTZING,  
Director of Regulation.

[FR Doc.72-14931 Filed 8-31-72;8:51 am]

### S8G PROTOTYPE, KESSELRING SITE, WEST MILTON, N.Y.

#### Notice of Availability of General Manager's Draft Environmental Statement

Notice is hereby given that a document entitled, "Draft Environmental Statement—S8G Prototype, Kesselring Site, West Milton, N.Y." issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Albuquerque Operations Office, Post Office Box 5400, Albuquerque, NM 87115; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; Grand Junction Office, Post Office Box 2567, Grand Junction, CO 81501; Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; New York Office, 376 Hudson Street, New York, NY 10014; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704. This statement was prepared in support of the Commission's legislative action related to development, construction, and operation of the prototype nuclear propulsion plant for the Trident submarines.

The draft environmental statement will be furnished upon request addressed to the Director, Division of Environmental Affairs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 25th day of August 1972.

For the Atomic Energy Commission,

W. B. McCool,  
Secretary of the Commission.

[FR Doc.72-14930 Filed 8-31-72;8:51 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 24384]

**DONALDSON INTERNATIONAL AIRWAYS****Notice of Resumption of Hearing**

In regard Donaldson Line (Air Services), Ltd., doing business as Donaldson International Airways, Enforcement proceeding; Docket No. 24384.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter, which recessed on August 28, 1972, will be resumed on September 19, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

[SEAL] FRANK M. WHITING,  
Administrative Law Judge.

[FR Doc.72-14956 Filed 8-31-72;8:49 am]

[Docket No. 24504]

**INTERSTATE AIRMOTIVE, INC.****Notice of Hearing Regarding Fitness, Willingness, and Ability Investigation**

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on September 14, 1972, at 10 a.m., e.d.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the prehearing conference report served on July 28, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 29, 1972.

[SEAL] ROSS I. NEWMANN,  
Administrative Law Judge.

[FR Doc.72-14957 Filed 8-31-72;8:49 am]

[Docket No. 24694]

**MIAMI-LOS ANGELES COMPETITIVE NONSTOP CASE****Notice of Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 12, 1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit to the Administrative Law Judge and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4)

statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before September 21, 1972, and the other parties on or before October 3, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., August 25, 1972.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.

[FR Doc.72-14958 Filed 8-31-72;8:49 am]

[Docket No. 18257]

**SOUTHERN TIER COMPETITIVE NON-STOP INVESTIGATION (HOUSTON-MIAMI PHASE)****Notice of Oral Argument**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on October 11, 1972, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., August 25, 1972.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.

[FR Doc.72-14959 Filed 8-31-72;8:49 am]

**CIVIL SERVICE COMMISSION****PROJECT MANAGEMENT OFFICER, GENERAL SERVICES ADMINISTRATION****Manpower Shortage; Notice of Listing**

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on August 3, 1972, for a single position of Project Management Officer (Associate Commissioner for Project Management), GS-301-15, Public Building Service, General Services Administration, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, the agency may pay the travel and transportation expense to first post of duty for an appointee to this position.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.72-14954 Filed 8-31-72;8:53 am]

**PROGRAM ANALYSIS OFFICER, NAVAL AIR STATION, TEXAS****Manpower Shortage; Notice of Listing**

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a

manpower shortage on August 11, 1972 for a single position of Program Analysis Officer, GS-345-15, Naval Air Station, Corpus Christi, Tex. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, the agency may pay the expense of travel and transportation to first post of duty for an appointee to this position.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.72-14955 Filed 8-31-72;8:53 am]

**COMMISSION ON HIGHWAY BEAUTIFICATION****HIGHWAY BEAUTIFICATION****Notice of Hearing**

SEPTEMBER 1, 1972.

Notice is hereby given that the Commission on Highway Beautification will hold a hearing in Iowa City, Iowa, on October 2.

The Commission was established by the Federal-Aid Highway Act of 1970 (Public Law 91-605). It has 11 members—four from the Senate, four from the House of Representatives, and three appointed by the President. Congressman Jim Wright (D), Texas, is the Chairman. The four Commissioners from the Senate are Birch Bayh (D), Indiana; Mike Gravel (D), Alaska; James Buckley (R), New York; and Robert Stafford (R), Vermont. The House members are Chairman Wright; Ed Edmondson (D), Oklahoma; Don Clausen (R), California; Fred Schwengel (R), Iowa. The public members are Alfred Bloomingdale, former Chairman of the Board, Diners Club, Inc., Los Angeles, Calif.; Mrs. Marion Fuller Brown, member of the Maine Legislature, York, Maine; and Michael Rapuano, landscape architect, Newton, Pa., and New York City.

The Act directed the Commission to:

(1) Study existing statutes and regulation governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system;

(2) Review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards;

(3) Compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future;

(4) Study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public;

(5) Study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to

## NOTICES

carry out a highway beautification program; and

(6) Recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

A report of the Commission's findings will be submitted to the President and Congress.

At these hearings the Commission expects to hear about issues of national concern and also about problems of particular interest to the Mid-West.

Earlier this year the Commission conducted a series of six regional public hearings concerning the Highway Beautification Act of 1965; the chief purposes of the Act are to control roadside advertising and junkyards and enhance highway landscaping. The bulk of the testimony at these hearings is to examine those aspects of the highway beautification program that have not yet been given full consideration.

Accordingly, the Commission expects to hear more about such issues as:

The role of landscape architects, designers, and environmental specialists in the planning and design of new highways.

Multiple-use of highway corridors.

Funding of landscaping and scenic enhancement programs.

Private initiative in roadside landscaping.

Specifications regarding beautification in architectural and construction contracts.

Development of scenic routes.

Control of roadside litter and junk.

Improvement of systems for furnishing information to the traveling public.

The hearing is scheduled for 9:30 a.m. on October 2 at the Iowa Memorial Union on the campus of the University of Iowa in Iowa City.

This is an open hearing and the public is invited to attend. Those interested in testifying are requested to contact the Commission at 1121 Vermont Avenue NW., Washington, DC. 20005, by September 22 in order to be included as participants.

MICHAEL G. MORGAN,  
Assistant Staff Director.

[FR Doc.72-14945 Filed 8-31-72;8:52 am]

## FEDERAL MARITIME COMMISSION

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

#### Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p) (1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility

(Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels	Certificate No.	Owner/operator and vessels
01252---	Aktieselskapet Havtor: Havkatt.	03532---	Zuisel Kalun Kabushiki Kaisha: Seine Maru.
01318---	Aug. Bolten, Wm. Miller's Nachfolger: Carlota Bolten.	03641---	Hendy International Co.: Santa Maria.
01325---	O. H. Meling: Stavfjord.	03886---	Marinus Smits: Maria Smits.
01326---	Sabine Towing & Transportation Co., Inc.: STCO 218. STCO 219.	03878---	Ingram Barge Co.: TBC 50. GWG 208. GWG 209. GWG 209. GWG 210. ETT 118. DRAKE 992.
01428---	The Ocean Steam Ship Co., Ltd.: Dymas.	03887---	Vest Transportation Co., Inc.: B 421. B 521. B 117. B 1014.
01689---	Kadano Shipping Co., Ltd.: Tina D.	03915---	Mobil Oil Corp.: Mobil Arctic.
01755---	Hugo Stinnes Zweigniederlassung Hamburg: "Stinnes Zephir."	03968---	Zim Israel Navigation Co., Ltd.: "Zim Haifa."
01935---	Partnership Between Steamship Co., Svendborg, Ltd. & Steamship Co., of 1912, Ltd.: Inge Maersk.	03979---	Moran Towing Corp.: Sea Horse 1.
01998---	Rederiaktiebolaget Gylfe, Helsingborg, Sweden: Ragna Gorthon.	04065---	Altair Maritime S.A.: Minoan Trader.
02039---	"Gryf": Lewantar.	04172---	Eklof Marine Corp.: Esso Barge No. 18.
02163---	Rederiet "Ocean" A/S, Copenhagen: Sevillian Reefer.	04357---	Koninklijke Nedlloyd N.V.: Kapelle.
02330---	Oriental Shipping Corp.: Regent Pimpernel.	04488---	Fukuju Kigyo K.K.: Fukujumaru No. 3.
02332---	Lykes Bros. Steamship Co., Inc.: LY-73. LY-74. LY-75. LY-76. LY-77. LY-78. LY-79. LY-80. LY-81. LY-82. LY-83. LY-84. LY-85. LY-86.	04562---	Okada Kalun K.K.: Ikushima Maru No. 2.
02465---	Koch-Ellis Marine Contractors, Inc.: KE-26.	05297---	Caribbean Navigation Co., Ltd.: Bredal. Flbrook.
02246---	Blue Star Line, Ltd.: "Buenos Aires Star." "Brasilia Star."	05298---	Erich Drescher: "Ede Wittorf."
02850---	Maritime Lloyd, Inc.: Silver Bay. Silver Palace.	05553---	Compania Nacional de Navegacion S.A.: "Maitama." "Catalma." "Tairona."
02859---	Cosmos Marine Development Corp. Liberia: Cosmos Altair. Cosmos Capella.	05577---	Far-Eastern Shipping Co.: Alexandr Nevsky.
02959---	Kokuyo Kalun K.K.: Sachikawa Maru.	05578---	Baltic Shipping Co.: Nikolai Tjuljpin.
02960---	Taiyo Kalun K.K.: Makikawa Maru.	06071---	Compania Colombiana de Alcaalis-Planta Colombiana de Soda Ltda.: Julio Caro. Luis Angel Arango.
02976---	Arthur-Smith Corp.: C-101. C-102.	06287---	Gates Equipment Corp.: Dump Scow No. 25. Dump Scow No. 26. Dredge No. 24.
03047---	E. I. du Pont de Nemours & Co.: EIDC-401.	06570---	Tenax Steamship Co., Ltd.: Fonnes. Mornes. Furunes. Brimnes.
03175---	Fulship Greek Maritime Co. S.A.: Fulship.	06596---	Issel Kisen K. K.: Takao Maru.
03217---	Rederiaktiebolaget Atalanta: Sea Spring.	06618---	Apsyrtos Shipping Co., Ltd.: Aeglis Saga.
03301---	Prudential-Grace Lines, Inc.: Lash Atlantico.	06675---	Cobrecaf (Concafeau France): Isole. Aven. Laita. Elorn. Belon.
03484---	Sanko Kisen K.K.: World Splendour.	06713---	Chr. Egelborg: Chris Lion.
03519---	Toko Shosen K.K.: Cascade Maru. Telko Maru.	06744---	Genangel Compania Naviera Sa: Sissy.
		06979---	Partenreederei m/s Lotte Reith: Lotte Reith.
		06827---	Partenreederei Hamburger Michel: Hamburg: Hamburger Michel.
		06878---	Italnavi Societa Di Navigazione Per Azioni: Sant' Ambrogio.

Certificate No.	Owner/operator and vessels
06894---	Golden Nagos Steamship Inc.: Golden Stear.
06915---	Atgean Corp.: Eleftherotria.
06968---	Ocean Service, Ltd.: Bulk Gold.
07054---	Parthenope Tramsip Co., Ltd.: Rosa T.
07092---	Angelina Towing, Corp.: Ellis 2123, Ellis 2121.
07108---	Alistair Maritime, Ltd.: Anastasia E.
07121---	Captain Shipping Corporation of Monrovia: Oinoussian Captain.
07134---	Inter-Island Tankship Co., Ltd.: Apodimos.
07136---	Nam. Sung Wonyang Fisheries Co., Ltd.: No. 71 Nam. Sung, No. 72 Nam. Sung.
07137---	Inca Shipping, Inc.: Sankosun.
07138---	Seafreighter Shipping Co., Ltd.: Elmira.
07149---	United International Bulk Carriers, Ltd.: Roberts Bank.
07150---	Altamar S.A. Buques Pesqueros Congeladores: Altamar.
07151---	Sea Containers Chartering, Ltd.: Swift Arrow.
07153---	Esso Petroleos Espanoles S.A.: Alvaro De Bazan.
07154---	Cruiseship 6 N.V.: Veendam.
07155---	Cruiseship 7 N.V.: Volendam.
07157---	Missouri Dry Dock & Repair Co.: MDDEC 4.
07159---	Urgain "A" Steamship, Inc.: Yolimar.
07167---	Imperiana Transport, Ltd.: Aegis Grace.
07168---	Atrax Shipping Co., Ltd.: Aegis Duty.
07169---	Athamas Shipping Co., Ltd.: Aegis Loyal.
07170---	Arginusae Maritime Corp. S.A. Panama: Maria T.
07174---	Nicholas Steamship, Inc.: Golden Nicholas.
07179---	Tulip Shipping Co., Ltd.: Kyrarini.

By the Commission.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.72-14952 Filed 8-31-72;8:53 am]

### TRANS-PACIFIC AMERICAN-FLAG BERTH OPERATORS AGREEMENT

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such

agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Dorr, Cooper and Hays, Attorneys at Law, 260 California Street, San Francisco, CA 94111.

Agreement No. 8493-7, among the member lines of the Trans-Pacific American-Flag Berth Operators Agreement, amends the basic agreement at the end of paragraph (2) by adding the following language:

*Provided, however,* That notwithstanding anything to the contrary hereinabove provided, each party shall have the right, by filing such Correction Page or other formal document as may be necessary or appropriate, to alter and, as so altered, to adopt as its own individual rate, term, or condition, effective on and from the fourth full working day (Saturdays, Sundays and holidays excluded) after receipt by all other parties of written notice from the party in question of its intention to do so, any rate, term, or condition previously agreed upon as binding on all parties.

Dated: August 24, 1972

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 72-14953 Filed 8-31-72;8:53 am]

## FEDERAL POWER COMMISSION

### ALASKA POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

#### Order Designating Additional Members

AUGUST 25, 1972.

The Federal Power Commission by order issued June 28, 1972, established the Executive Advisory Committee of the Alaska Power Survey.

1. Membership: Additional members to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Lt. Gen. James C. Sherrill, Alaskan Command, Department of Defense.

Hon. Max Brewer, Commissioner of Environmental Conservation, Anchorage, Alaska.  
Hon. Charles F. Herbert, Commissioner of Natural Resources, Juneau, Alaska.  
Hon. John M. Stern, Jr., Chairman Public Service Commission, Anchorage, Alaska.  
Hon. Irene Ryan, Commissioner of Economic Development, Juneau, Alaska.  
Hon. Kenneth W. Kadow, Commissioner of Commerce, Juneau, Alaska.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-14936 Filed 8-31-72;8:52 am]

### ALASKA POWER SURVEY TECHNICAL ADVISORY COMMITTEES

#### Order Establishing and Designating Initial Membership and Chairmanship

AUGUST 25, 1972.

The Federal Power Commission hereby determines that the establishment of Alaska Power Survey Technical Advisory Committees, as identified hereinafter, is in the public interest and necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq., and the Commission establishes these Committees in accordance with the provisions of the Commission's order issued June 28, 1972, 37 F.R. 13130—Order Authorizing the Establishment of Alaska Power Survey Advisory Committees and Prescribing Procedures—and the provisions of this order. Any task forces under the Technical Advisory Committees will be established by subsequent Commission orders.

Technical Advisory Committee on Economic Analysis and Load Projections.

Technical Advisory Committee on Resources and Electric Power Generation.

Technical Advisory Committee on Coordinated System Development and Interconnections.

Technical Advisory Committee on Environmental Considerations and Consumer Affairs.

1. Purpose. The Technical Advisory Committees shall be subordinate to the Alaska Power Survey Executive Advisory Committee and shall report to such Committee and to the Commission on all matters delegated to them pertaining to the planning, conduct, and execution of the Alaska Power Survey. The principal functions of the Technical Advisory Committees shall be as follows: (1) To carry out all directions of the Alaska Power Survey Executive Advisory Committee or the Commission pertaining to the planning, conduct, and execution of the Alaska Power Survey; (2) to recommend guidelines as requested by the Alaska Power Survey Executive Advisory Committee or the Commission for the detailed work encompassed in the conduct of the Alaska Power Survey and to allocate work assignments to any task forces which may be organizationally subordinate to them; (3) to recommend a proposed time schedule for the development and completion of all assignment phases of the Alaska Power Survey; (4) to coordinate all facets of work allocated to any organizationally subordinate task

forces; (5) to submit periodic reports to the Alaska Power Survey Executive Advisory Committee and the Commission as to the progress and status of the Alaska Power Survey, together with such recommendations pertaining thereof as may be appropriate; and (6) to furnish such other assistance and advice to the Alaska Power Survey Executive Advisory Committee and the Commission as they may be called upon from time-to-time to contribute for the successful planning and conduct of the Alaska Power Survey.

2. *Membership.* The chairmen and other members of the respective Technical Advisory Committees established herein, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the appendix below.

3. *Selection of future committee members.* All future Technical Advisory Committee members and persons designated to act as Committee chairmen, shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the aforementioned Commission order issued June 28, 1972, are hereby incorporated by reference:

3. Conduct of meetings.
4. Minutes and records.
5. Secretary of the committee.
6. Location and time of meetings.
7. Advice and recommendations offered by the committee.
8. Duration of the committee.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

#### APPENDIX

#### ALASKA POWER SURVEY TECHNICAL ADVISORY COMMITTEES

##### *Technical Advisory Committee on Economic Analysis and Load Projections*

Chairman: Dr. Dale A. Swanson, University of Alaska.

Secretary: George R. Bell, Federal Power Commission.

Alternate Secretary: Thomas B. Heath, Rural Electrification Administration.

Members: William A. Corbus, Alaska Electric Light & Power Co.; Thomas B. Heath, Rural Electrification Administration; Willard H. Johnson, Matanuska Electric Association; Kenneth W. Kadow, Alaska Commissioner of Commerce; Frank Orth, University of Alaska; Adrian Simonson, Rural Electrification Administration.

##### *Technical Advisory Committee on Resources and Electric Power Generation*

Chairman: Charles Herbert, Alaska Commissioner of Natural Resources.

Secretary: George R. Bell, Federal Power Commission.

Alternate Secretary: Thomas Cantine, Alaska Power Administration.

Members: Arthur Crook, U.S. Soil Conservation Service, Loyd M. Hodson, Alaska Village Electric Cooperative, Inc.; Leon H. Johnson, Kodiak Electric Association, Inc.; Walter L. Kubley, U.S. Department of Agriculture; Colonel Amos C. Mathews, Corps of Engineers; Keith B. Maxwell, Copper Valley Electric Association, Inc.; Carroll A. Oliver, Anchorage Municipal Light & Power Department; John Sackett, Tanana Chiefs' Conference; L. J. Schultz Chugach Electric Association Inc.; Lt. Gen. James G. Sherill, Alaskan Command; Thomas Cantine, Alaska Power Administration.

##### *Technical Advisory Committee on Coordinated System Development and Interconnections*

Chairman: William C. Rhodes, Homer Electric Association, Inc.

Secretary: George R. Bell, Federal Power Commission.

Alternate Secretary: James V. House, Alaska Power Administration.

Members: James Bungardner, Chugach Electric Association, Inc.; George Easley, Alaska Commissioner of Public Works; Thomas B. Heath, Rural Electrification Administration; James House, Alaska Power Administration; Robert L. Huffman, Golden Valley Electric Association, Inc.; Colonel Amos C. Mathews, Corps of Engineers; Keith B. Maxwell, Copper Valley Electric Association, Inc.; Arthur J. Movijs, Fairbanks Municipal Utilities.

##### *Technical Advisory Committee on Environmental Considerations and Consumer Affairs*

Chairman: Dr. Max C. Brewer, Alaska Commissioner of Department of Environmental Conservation.

Secretary: George R. Bell, Federal Power Commission.

Alternate Secretary: Robert Cross, Alaska Power Administration.

Members: Robert Cross, Alaska Power Administration; Dr. O. E. Dickason, Environmental Protection Agency; John Katz, Attorney; Ms. Pat Redmond, Post Office Box 4-079, Anchorage, Alaska; John Sackett, Tanana Chiefs' Conference.

[FR Doc.72-14935 Filed 8-31-72; 8:49 am]

[Docket No. CI73-128]

#### MAR-LOW CORP.

#### Notice of Application

AUGUST 29, 1972.

Take notice that on August 24, 1972, Mar-Low Corp., Post Office Box 51673, Lafayette, LA 70501, filed in Docket No. CI73-128 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco) from certain leases in Jefferson Davis Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell Transco approximately 2,920 Mc.f. of natural gas per month at 35.0 cents per Mc.f. at 15.025 p.s.i.a. for a period of 36 months from the date of initial delivery within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-14977 Filed 8-31-72; 8:50 am]

[Docket No. E-7764]

#### UNION ELECTRIC CO.

#### Notice of Application

AUGUST 28, 1972.

Take notice that on August 16, 1972, Union Electric Co. (Applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 203 of the Federal Power Act authorizing it to purchase certain electric facilities from Central Illinois Public Service Co. (CIPS).

Applicant is incorporated under the laws of the State of Missouri and is authorized to do business in the States of Missouri, Illinois, and Iowa, with its principal business office at St. Louis, Mo., and is engaged in the business of furnishing electric service in the city of St. Louis, in 14 counties in Missouri, seven counties in Illinois and four counties in Iowa, gas service in two counties in Illinois, and steam heat service in downtown St. Louis.

The facilities to be purchased consist of 3 miles of a 345,000 volt, 60 Hertz, three phase, single circuit electric transmission line of wood-pole frame construction situated in Massac County, Ill. At the present time these facilities are being used by CIPS to form a part of an interconnecting line for the transfer of power and energy from the Joppa, Ill. generating station of Electric Energy, Inc. to the interconnected systems of CIPS and Illinois Power Co. After the purchase, the facilities will be used by Applicant as one segment of a transmission line which will interconnect the Applicant's electric system with that of the Tennessee Valley Authority. The purchase price will be the original cost of the facilities (\$238,726.68) less depreciation at 3 percent (3%) from June 29, 1971 (construction date of the line).

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.72-14981 Filed 8-31-72; 8:50 am]

[Docket No. CP61-79]

**UNITED GAS PIPE LINE CO. AND  
TEXAS GAS TRANSMISSION CORP.**

**Notice of Petition To Amend**

AUGUST 28, 1972.

Take notice that on August 21, 1972, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, Tex. 77002, and Texas Gas Transmission Corp. (Texas Gas), Post Office Box 1160, Owensboro, KY 42301, hereinafter referred to jointly as Petitioners, filed in Docket No. CP61-79 a petition to amend further the order of the Commission issued in said docket on December 19, 1960 (24 FPC 1099), as amended, pursuant to section 7(c) of the Natural Gas Act by authorizing the construction and operation of certain natural gas facilities as an additional exchange point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners request authorization to construct and operate an additional exchange point to interconnect their existing transmission facilities at a point near Koran in Bossier Parish, La. United pro-

poses to construct measuring, regulating, and appurtenant facilities, to connect its Sligo Field-Union Texas Gasoline Plant 10-inch pipeline to Texas Gas' 20-inch pipeline; and Texas Gas proposes to construct a 6-inch side valve and related equipment between United's pipeline and its pipeline. Petitioners state that the proposed facilities will allow for greater flexibility and continuity of service in delivering gas from one party to the other in case of emergency.

Petitioners state that the cost of the facilities is estimated to be \$69,670, which will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 19, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.72-14980 Filed 8-31-72; 8:50 am]

[Docket No. CP71-7]

**WASHINGTON NATURAL GAS CO.**

**Notice of Petition To Amend**

AUGUST 28, 1972.

Take notice that on August 17, 1972, Washington Natural Gas Co. as Project Operator (Petitioner), Post Office Box 1869, Seattle, WA 98111, filed in Docket No. CP71-7 a petition to amend the order of the Commission heretofore issued in Docket No. CP71-6, et al., pursuant to section 7(c) of the Natural Gas Act on October 30, 1970 (44 FPC 1322), as amended, by authorizing the development of a new storage zone and increased expenditures on the Jackson Prairie Storage Project (Storage Project) for 1972, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of October 30, 1972, as amended, Petitioner is authorized to operate the Storage Project in such a manner as to deliver to El Paso Natural Gas Co. (El Paso) up to 180,000 M.c.f. of natural gas per day and 5,200,000 M.c.f. during any seasonal period commencing November 1 and extending through the immediately succeeding April 15 and otherwise to perform as Project Operator under the terms and provisions of a Gas Storage Project Agreement dated June 25, 1970, as amended. By the most recent amending order in said dockets

issued February 22, 1972 (47 FPC —), the Commission authorized the expenditure of up to \$365,000 during 1972 to construct and operate additional facilities at the Storage Project.

Petitioner states that in order to provide additional storage capability beyond that authorized in the present certificate, as amended, the owners of the Storage Project propose to develop the contour structure of a new storage zone. Zone 9, with an estimated storage potential of 36,600,000 M.c.f. of natural gas. Petitioner proposes to commence the development of the new zone in 1972 and indicates that the first available working gas for sale therefrom is preliminarily scheduled for late 1975. Petitioner states the development of the new storage capability requires the drilling of five new wells into the dome of Zone 9, reworking and drilling an existing well as an observation well, water withdrawal and injection tests and other tests. Petitioner estimates that the cost of the development will not exceed \$795,000 in total in 1972, which costs will be shared equally by it and the other participants in the Storage Project, El Paso and Washington Water Power Co. Because of the developmental nature of the work proposed, Petitioner states that the facilities and activities which will be undertaken to determine the capabilities of the new storage zone cannot be specifically described and costed at this time. Therefore, Petitioner requests a budget-type authorization to undertake the development program and to construct the additional wells, lines, and instrumentation.

Petitioner also requests authority to increase the expenditures on the Storage Project for 1972 from \$365,000 presently authorized by the amending order of February 22, 1972, to \$1,215,000. Petitioner states that this total would include an increase of \$55,000 in the expenditures for the construction and operation of additional facilities authorized in the amending order of February 22 and \$795,000 for the proposed development of the new storage zone.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 19, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.72-14982 Filed 8-31-72; 8:51 am]

[Docket No. CI73-132]

**JACK BLEAKLEY****Notice of Application**

AUGUST 30, 1972.

Take notice that on August 23, 1972, Jack Bleakley (Applicant), Post Office Box 408, San Angelo, TX 76901, filed in Docket No. CI73-132 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from certain leases in the Dinn Field Area, Duval and Webb Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to commence the sale of natural gas to United on September 7, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell United an average daily quantity of up to 1,500 Mc.f. of natural gas per day at 35.0 cents per Mc.f. at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.72-15019 Filed 8-31-72; 8:55 am]

[Docket No. CP72-170]

**COLORADO INTERSTATE GAS CO.****Notice of Petition To Amend**

AUGUST 30, 1972.

Take notice that on August 28, 1972, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Petitioner), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP72-170 a petition to amend the Commission's order issued August 11, 1972, in said docket (48 FPC —) to permit increased peak day sales as proposed in the subject petition, all as more fully set forth in said petition to amend which is on file with the Commission and open to public inspection.

The order of August 11, 1972, among other things, authorized Petitioner to sell natural gas as proposed in Docket No. CP72-170 and to operate facilities constructed pursuant to prior authorization granted in said docket. Petitioner now requests that the order be amended to increase its peak day contract demand delivery obligations above the level originally proposed in this proceeding. The total proposed peak day increase is 15,772 M.c.f. Petitioner states that this proposed increase will raise its total transmission system peak day volume obligation from the original 1,304,499 M.c.f. to the proposed 1,320,271 M.c.f.

Petitioner states that the proposed increase is necessary in order that it may meet the contracted firm peak day requirements of its customers. The petition to amend indicates that the actual peak day nominations received from Petitioner's existing customers are more than the preliminary estimates originally used in Docket No. CP72-170. Petitioner proposes a total increase of 15,772 Mcf per day, including the 1,500 Mcf which Petitioner has been directed to sell to Mountain Fuel Supply Co. in Docket No. CP72-5. Petitioner states that no additional facilities will be required to accommodate the requested volume increase.

Further, Petitioner states that the increased peak day entitlements are required by its customers and are contracted to be effective on November 1, 1972; therefore, Petitioner requests a shortened protest date so that the authority requested herein be granted at the earliest possible date in order to assure delivery of contracted commitments.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 11, 1972, file with the Federal Power Commission,

Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.72-15018 Filed 8-31-72; 8:55 am]

[Docket No. CI73-134]

**MARTIN YATES III****Notice of Application**

AUGUST 30, 1972.

Take notice that on August 25, 1972, Martin Yates III (Applicant), 207 South Fourth Street, Artesia, NM 88210, filed in Docket No. CI73-134 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco), from certain leases in Jefferson Davis Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell Transco approximately 1,460 Mcf of natural gas per month at 35 cents per Mcf at 15.025 p.s.i.a. for a period of 36 months from the date of initial delivery within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-15024 Filed 8-31-72;8:55 am]

## GENERAL SERVICES ADMINISTRATION

### FEDERAL SUPPLY SERVICE

#### Notice Concerning Solicitation for Offers

In the interest of cost reduction, copies of solicitations for offer will no longer be mailed for informational purposes to concerns on Federal Supply Service mailing lists. Hereafter, a "Notice of Procurement" setting forth the essential information in summary form will be sent to such concerns. Complete bid sets will continue to be mailed to all active bidders.

(A copy of the applicable interim procedures may be obtained from General Services Administration (FPP), Washington, D.C. 20406.)

Dated: August 21, 1972.

M. S. MEEKER,  
Commissioner,  
Federal Supply Service.

[FR Doc.72-14937, Filed 8-31-72;8:52 am]

[Federal Property Management Regs.; Temporary Reg. F-154]

### SECRETARY OF DEFENSE

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric energy service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a) (4) and 205

(d) (40 U.S.C. 481(a) (4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the California Public Utilities Commission in a proceeding (Application No. 53488) involving a rate increase for services provided by the Southern California Edison Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 24, 1972.

ARTHUR F. SAMPSON,  
Acting Administrator of  
General Services.

[FR Doc.72-14938, Filed 8-31-72;8:52 am]

[Federal Property Management Regs.; Temporary Reg. F-153]

### SECRETARY OF DEFENSE

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a) (4) and 205 (d) (40 U.S.C. 481(a) (4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Mississippi Public Service Commission in a proceeding (Docket No. U-2355) involving the application of Mississippi Power Company for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 24, 1972.

ARTHUR F. SAMPSON,  
Acting Administrator of  
General Services.

[FR Doc.72-14939 Filed 8-31-72;8:52 am]

## NATIONAL SCIENCE FOUNDATION

### COMMITTEE MANAGEMENT

#### Notice of Determination

The National Science Foundation, established by Public Law 81-507 as an independent agency of the Federal Government, utilizes advice and recommendations of advisory committees in carrying out its functions and activities.

Executive Order 11671, issued by the President on June 5, 1972, sets forth standards for the formation, use, conduct, management, and accessibility to the public of committees established to advise and assist the Federal Government. Section 13 of the Executive order specifies that department and agency heads shall make adequate provision for participation by the public in the activities of advisory committees, except to the extent a determination is made in writing by the department or agency head that committee activities are matters which fall within policies analogous to those recognized in the Freedom of Information Act, section 552(b) of Title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure.

It is established Foundation policy in administering the Freedom of Information Act to make fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy the Foundation will open to the public as many advisory committee meetings as possible.

However, Foundation advisory committees, while engaged in the review, discussion, and evaluation of grant or contract proposals and projects, or in the evaluation of grantee and contractor performance should not be required to hold open meetings. The Foundation has historically assured the privacy of certain types of information submitted in confidence to the Foundation by prospective grantees and contractors in support of proposals and projects. This information may include such matters as details relating to the type or design of work to be performed, adequacy of the applicant's facilities, competence of the proposed grantee's or contractor's staff, proposed budget and other material which would not otherwise be disclosed. Such information is furnished to the Foundation with reliance that it will be treated on a confidential basis and not disclosed to the public. Opening to the public the deliberations of committees reviewing and evaluating these proposals and projects as part of the selection process for awards would obviously involve disclosure of this information.

Moreover, to operate most effectively, the review and evaluation process requires that members of committees considering such matters be free to engage in full and frank discussion and to provide unhampered advice and recommendations regarding the merits of specific

scientific proposals and projects. If the process were not to continue on a confidential basis, potential grantees and contractors would not furnish information in such detail as is essential for complete and effective review. In addition, if the proceedings of these committees were open to public participation, the Foundation would be unable to secure open and candid advice as to the awarding of grants, contracts, fellowships and other arrangements.

Pending grant and contract proposals, and detailed records of deliberations of the committees reviewing them are presently exempt from mandatory disclosure under the Freedom of Information Act (5 U.S.C. 552).

In the interest of meeting the Foundation's obligations of confidentiality of matters submitted as part of grant and contract proposals and encouraging candid expression of opinion concerning the merits of grant and contract proposals and the evaluation of grantee and contractor performance, so essential to the review process:

It is hereby determined in accordance with the provisions of section 13(d) of the Executive order:

(1) The confidentiality required for grant and contract proposals and projects, and evaluations and for the free discussion thereof as outlined herein is analogous to the policies recognized in the Freedom of Information Act, section 552(b) of Title 5 of the United States Code, and in particular, subsections 552(b) (4) and (5); and

(2) The public interest requires that such matters not be disclosed so that the Foundation may continue to receive information and advice necessary to appropriate decisions with respect to grant and contract matters.

Therefore, until June 30, 1973, meetings or portions thereof of all Foundation advisory committees devoted solely to review, discussion and evaluation of grant or contract proposals, and projects or performance by grantees and contractors shall not be open to the public.

The Foundation official having cognizance for each such committee shall prepare a summary of any meeting or portion thereof not open to the public. Such summaries shall be consistent with the considerations which justified the closing of the meeting and shall be made available upon request to any member of the public.

All other advisory committee meetings shall be open to the public unless the Director or his designee determines otherwise in accordance with section 13(d) of the Executive order.

H. GUYFORD STEVER,  
Director.

AUGUST 23, 1972.

[FR Doc.72-14993 Filed 8-31-72; 8:55 am]

## PRICE COMMISSION

[Order 9B]

### MANUFACTURERS OF COFFEE AND COFFEE PRODUCTS

#### Limitations on Price Increases

On August 17, 1972, the Price Commission published Order No. 9 (37 F.R. 16640) which, among other requirements, provided that no manufacturer would be authorized to increase prices on coffee or coffee products during the period beginning on August 17, 1972, and ending on August 31, 1972. The order also rescinded volatile pricing of green coffee beans and raw materials derived directly therefrom under § 300.51(f) of the Price Stabilization Regulations of the Commission, and provided limitations on increases in coffee and coffee product prices. The order was amended on August 24, 1972 (37 F.R. 17111).

Since the date of the order, several questions have arisen concerning the applicability of the order and the interpretation of several of its provisions. Based on those questions, the Commission has revised the order in its entirety as set forth herein.

The revised order extends to September 15, 1972, the period during which prices for coffee and coffee products may not be increased. It also clarifies the dates for measurement of the limitations on increases in prices for coffee and coffee products. Finally, it requires all prenotification or reporting firms that are manufacturers to file with the Commission two reports (rather than one) with respect to prices charged for coffee and coffee products. The first report will inform the Commission of the prices charged for coffee and coffee products on August 16, 1972; the second report will inform the Commission of the September 16, 1972, prices, and how such prices represent adjustments, if any, of the August 16, 1972, prices, made in compliance with this order. Both reports are due no later than September 15, 1972.

Therefore, in consideration of the foregoing, and for the reasons stated in Order No. 9, notwithstanding any provision of Part 300 of the Price Stabilization Regulations of the Commission (6 CFR 300), it is hereby ordered as follows:

1. Each authorization granted under § 300.51(f) of the regulations, dealing with volatile pricing of green coffee beans and raw materials derived directly therefrom, is hereby rescinded as of August 16, 1972.

2. During the period beginning on August 16, 1972, and ending at the close of September 15, 1972, no manufacturer may charge a price for coffee or any

coffee product which exceeds the price it was charging on August 16, 1972.

3. Each manufacturer that charged a price for coffee or any coffee product on August 16, 1972, which exceeded the base price therefor shall, to the extent necessary, reduce such price so that as of September 16, 1972, that price reflects the base price for such coffee or coffee product, plus the dollar amount of any cost increases attributable to green coffee beans or raw materials derived directly therefrom and increases in other allowable costs pursuant to § 300.12 of the regulations, incurred and continuing to be incurred beginning on—

(a) November 14, 1971; or

(b) The date of the price increase after November 13, 1971, which brought the price of such coffee or coffee product up to its base price;

whichever date is later, and ending on the date of the last price increase therefor before August 16, 1972.

4. Subject to the prenotification requirements of § 300.51(a) of the regulations where applicable, no manufacturer may charge a price for coffee or any coffee product which exceeds the base price therefor, or the price it charged therefor on September 16, 1972, whichever is greater, except to reflect the dollar amount of any cost increases attributable to green coffee beans or raw materials derived directly therefrom and increases in other allowable costs pursuant to § 300.12 of the regulations, incurred and continuing to be incurred since the date of the last price increase on such coffee or coffee product before August 16, 1972, or the date of the price increase after September 15, 1972, which brought the price therefor up to its base price, whichever is later.

5. If the cost of coffee or any coffee product which is attributable to green coffee beans or raw materials derived directly therefrom decreases at any time after August 16, 1972, each manufacturer shall reduce the price of such coffee or coffee product accordingly, by dollar-for-dollar amount.

6. Each prenotification or reporting firm that is a manufacturer shall report to the Commission before September 16, 1972, on form PC-1—

(a) With respect to the price charged for coffee or any coffee product on August 16, 1972, showing in detail the basis for such price; and

(b) With respect to the price charged for coffee or any coffee product on September 16, 1972, showing in detail how such price represents an adjustment, if any, from the price charged on August 16, 1972, therefor, and the basis for such adjustment.

Issued in Washington, D.C., on August 29, 1972.

C. JACKSON GRAYSON, Jr.,  
Chairman, Price Commission.

[FR Doc.72-15004 Filed 8-30-72; 11:13 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### ACCURATE CALCULATOR CORP.

#### Order Suspending Trading

AUGUST 25, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 28, 1972 through September 6, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14899 Filed 8-31-72;8:47 am]

[File No. 7-4240]

### ALLEGHENY AIRLINES, INC.

#### Notice of Applications for Unlisted Trading Privileges and of Oppor- tunity for Hearing

AUGUST 25, 1972.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company which security is listed and registered on one or more other national securities exchanges:

Allegheny Airlines, Inc., Warrants (Expiring April 12, 1979), File No. 7-4240.

Upon receipt of the request, on or before September 10, 1972 for any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a

hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14908 Filed 8-31-72;8:47 am]

[File No. 7-4216]

### AMERICAN-ISRAEL PAPER MILLS, LTD.

#### Notice of Applications for Unlisted Trading Privileges and of Oppor- tunity for Hearing

AUGUST 25, 1972.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above national securities exchange has filed application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the American Depository Shares for ordinary share one pound par common of the following company, which securities is listed and registered on one or more other national securities exchange:

American Israel Paper Mills, Ltd., American shares (each of which represents 10 Series B ordinary shares or 10 ordinary shares, both \$1 Israel pound par value). File No. 7-4216.

Upon receipt of a request, on or before September 10, 1972, from any interested person, the Commission will determine whether the application with respect to any company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14909 Filed 8-31-72;8:48 am]

[File No. 7-4239]

### BANCAL TRI-STATE CORP.

#### Notice of Application for Unlisted Trading Privileges and of Oppor- tunity for Hearing

AUGUST 25, 1972.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange: Bancal Tri-State Corp., File No. 7-4239.

Upon receipt of a request, on or before September 10, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14906 Filed 8-31-72;8:47 am]

[812-3212]

### BROAD STREET INVESTING CORP.

#### Notice of Filing of Application for an Order Exempting Sale by Open-End Company of Its Shares at Other Than Public Offering Price

AUGUST 25, 1972.

Notice is hereby given that Broad Street Investing Corp., 65 Broadway, New York, NY 10006 (Applicant), a Maryland corporation registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other

than the current public offering price described in the prospectus, in exchange for the assets of Jones Investment Corporation (Jones). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Jones, a Massachusetts corporation, is a company all of the outstanding stock of which is owned of record and beneficially by 30 persons, and is primarily engaged in investing, reinvesting and trading in securities. Applicant asserts that Jones is excepted from the definition of an investment company by reason of the provisions of section 3(c)(1) of the Act.

Jones was incorporated in 1893 as a manufacturing firm and engaged in that business until 1958. In that year Jones ceased its operating functions and has since been primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between Applicant and Jones, substantially all of the cash and securities owned by Jones with a value of approximately \$7,699,357 as of June 22, 1972, will be transferred to Applicant in exchange for shares of Applicant's capital stock. The number of shares of Applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in the application) of the assets of Jones to be transferred to Applicant by the net asset value per share of the Applicant, both to be determined as of the valuation time, as defined in the agreements.

Since the exchange is expected to be tax free for Jones and its stockholders, Applicant's cost-basis for tax purposes for the assets acquired from Jones will be the same as Jones' cost basis, rather than the price actually paid by Applicant for the assets. If the valuation under the agreement had taken place on June 22, 1972, Jones would have received 499,432 shares of Applicant's stock.

When received by Jones, the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to the Jones stockholders on the liquidation of Jones. Applicant has been advised by the management of Jones that the stockholders of Jones have no present intentions of redeeming or otherwise transferring any of Applicant's shares following the proposed transactions.

The Applicant represents that no affiliation exists between Jones or its officers, directors, or stockholders and Applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that the securities will be obtained without the payment of brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d), and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest, and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested persons may, not later than September 20, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14902 Filed 8-31-72; 8:47 am]

[Files Nos. 7-4223-7-4230]

**CAMPBELL RED LAKE MINES, LTD.,  
ET AL.**

**Notice of Applications for Unlisted  
Trading Privileges and of Oppor-  
tunity for Hearing**

AUGUST 25, 1972.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities,

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

<i>File No.</i>	
Campbell Red Lake Mines, Ltd. (Capital Stock).....	7-4223
Cutler-Hammer, Inc.....	7-4224
Dentsply International, Inc.....	7-4225
Eaton Corp.....	7-4226
Echlin Manufacturing Co.....	7-4227
Eckerd (Jack) Corp.....	7-4228
Faberge, Inc.....	7-4229
Franklin Mint, Inc. (The).....	7-4230

Upon receipt of a request, on or before September 10, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14901 Filed 8-31-72; 8:47 am]

[File No. 500-1]

**CRESCENT GENERAL CORP.**

**Order Suspending Trading**

AUGUST 25, 1972.

The common stock, \$0.10 par value of Crescent General Corp., being traded on

the Intermountain Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Crescent General Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934 that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 28, 1972, through September 6, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14903 Filed 8-31-72;8:47 am]

[File No. 500-1]

### FIRST WORLD CORP.

#### Order Suspending Trading

AUGUST 25, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stocks, \$0.15 par value, and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 28, 1972, through September 6, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14904 Filed 8-31-72;8:47 am]

[Files Nos. 7-4231-7-4238]

### GIANT STORES CORP. ET AL.

#### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 25, 1972.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are

listed and registered on one or more other national securities exchanges:

	File No.
Giant Stores Corp.....	7-4231
Horizon Corp.....	7-4232
Howmet Corp.....	7-4233
Johnson & Johnson.....	7-4234
Mammoth Mart, Inc.....	7-4235
Miles Laboratories, Inc.....	7-4236
Mgic Investment Corp.....	7-4237
Walgreen Co.....	7-4238

Upon receipt of a request, on or before September 10, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14900 Filed 8-31-72;8:47 am]

[70-5226]

### GREAT LAKES GAS TRANSMISSION CO.

#### Notice of Proposed Issuance and Sale of First Mortgage Bonds to Insurance Company and Promissory Notes to Banks

AUGUST 25, 1972.

Notice is hereby given that Great Lakes Gas Transmission Co., 1 Woodward Avenue, Detroit, MI 48226 (Great Lakes), a nonutility subsidiary company of American Natural Gas Co. (American Natural), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) designating section 6 (b) of the Act and subparagraph (a) (2) of Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Great Lakes' outstanding common stock is owned jointly by American Natural and Trans-Canada Pipe Lines, Ltd. (Trans-Canada), a nonaffiliated company. Great Lakes owns and operates a natural gas pipeline system running from

a point on the international boundary between the United States and Canada near Emerson, Manitoba, through the States of Minnesota, Wisconsin, and Michigan to points on the boundary near St. Clair, Mich., and Sault Ste. Marie, Mich. At Emerson, St. Clair, and Sault Ste. Marie, Great Lakes' pipeline connects with the pipeline facilities of Trans-Canada, which has extensive natural gas production and reserves in western Canada. Great Lakes provides west-to-east natural gas transportation service to Trans-Canada, its sole supplier. In addition, Great Lakes sells natural gas to subsidiary companies of American Natural and to other gas companies in the United States.

Great Lakes was incorporated in 1963. On June 20, 1967, after hearings involving the Great Lakes project and a competitive proposal by Northern Natural Gas Co. (Northern Natural), a nonaffiliated company, a certificate of public convenience and necessity was issued to Great Lakes by the Federal Power Commission (FPC), and construction was commenced immediately thereafter. Upon a petition for review of the FPC's certificating order, filed by Northern Natural with the court of appeals, the court remanded the proceeding to the FPC for further consideration (Northern Natural Gas Co., 395 F. 2d 953 (D.C. Cir. 1968); and on July 10, 1970 the FPC confirmed its issuance of the certificate to Great Lakes. Throughout the proceeding, Great Lakes continued construction of its system; the first phase went into operation in December 1967, and the entire system was placed in service in May 1969.

In order to meet construction schedules provided for in the FPC's certificating orders, Great Lakes financed construction of the pipeline through the sale of common stock and through interim bank loans. Its currently outstanding securities consist of \$50 million par amount of common stock, owned in equal proportions by American Natural and Trans-Canada; and \$260 million principal amount of notes to banks due December 31, 1973 (see Holding Company Act Release No. 17097, April 15, 1971). The outstanding notes bear interest at the rate of 1 3/4 percent above the prevailing prime rate of First National City Bank, New York, N.Y., and Great Lakes is required to maintain compensating balances equivalent to 10 percent of the outstanding bank loans, such balances currently amounting to \$26 million. The present application deals with the proposed refinancing of the outstanding interim bank debt, as more fully described below.

With the commencement of its operations, Great Lakes was required by Canadian regulatory authorities to maintain a "moratorium" on rate increases until November 1, 1971. Principally for this reason, and the fact that construction and interest costs were substantially higher than had been anticipated, Great Lakes incurred losses of \$1,036,790 and \$2,150,519 in 1969 and 1970, respectively, and had nominal earnings of \$1,245,000 in 1971, at the end of which year its accumulated retained

earnings amounted to only \$119,880. The filing states that with the expiration of the rate moratorium, rate increases have been put into effect and that application for a further rate increase has been filed with the FPC. This earnings history, together with the protracted litigation described above, has heretofore delayed Great Lakes' long-term financing program.

Great Lakes proposes to refinance its outstanding bank loans through the issuance and sale of \$200 million principal amount of first mortgage bonds to Metropolitan Life Insurance Co. (Metropolitan) and the borrowing of \$50 million from the banks now holding its outstanding loan notes. The balance of the funds required for the refinancing of the outstanding bank loan will be provided from Treasury funds, which will be augmented by about \$21 million to be made available through the reduction of compensating bank balance requirements.

Great Lakes will enter into a Bank Loan Agreement (Agreement) with the five commercial banks (the Banks) which hold its presently outstanding notes. The Agreement will provide for aggregate borrowings thereunder as follows:

First National City Bank, New York, N.Y.	\$13,800,000
Canadian Imperial Bank of Commerce, New York, N.Y.	13,200,000
Royal Bank of Canada, New York, N.Y.	13,200,000
Morgan Guaranty Trust Company of New York	5,600,000
National Bank of Detroit, Detroit, Mich.	4,200,000
	50,000,000

To evidence these borrowings, Great Lakes will issue unsecured promissory notes (Notes) to the Banks which will bear interest at the rate of 8 percent per annum and will be payable in approximately equal semiannual installments, the first installment to be due on July 1, 1973, and the last on the final maturity date, December 31, 1975. The Notes may be prepaid in whole or in part at any time without penalty; provided, that if prepayment is made from the proceeds or in anticipation of commercial bank borrowings (other than from the Banks), having a maturity of less than 5 years Great Lakes will pay a premium of one-half percent per annum of the principal amount prepaid for the period from the date of prepayment to December 31, 1975. The proposed loan from the Banks will be contingent upon the concurrent prepayment of all the presently outstanding notes from the proceeds of the proposed Bonds and Notes and from Treasury cash. The Agreement requires Great Lakes to maintain compensating balances with the Banks equal to 10 percent of the daily average principal amount of Notes outstanding. This will increase the effective cost of the money borrowed to approximately 8.89 percent per annum.

The proposed \$200 million principal amount of Bonds will be sold to Metropolitan at a price equal to their principal amount. Metropolitan will represent in

the bond purchase agreement that it is acquiring the Bonds for investment and not with a view towards any resale to the public or other distribution of the Bonds. A condition of the sale of the Bonds is the retirement of all Great Lakes' presently outstanding bank debt out of the proceeds of the proposed Bond and Bank financings and from Treasury funds. The Bonds will bear interest from their date of issue at the rate of 8½ percent per annum, payable semiannually; will mature July 1, 1982; will be issued under an indenture of mortgage and deed of trust dated as of June 30, 1972, between Great Lakes and First National City Bank as Trustee (Indenture), which includes a prohibition until July 1, 1977, against refunding the issue with or in anticipation of proceeds from borrowings at a lower effective interest cost; and will be entitled to the benefits of semiannual sinking fund payments of \$7,500,000 on each July 1 and January 1, from July 1, 1976 to and including January 1, 1982, leaving \$110 million due at maturity on July 1, 1982. The Indenture provides that sinking fund payments shall be accelerated under certain circumstances relating to annual reports which are required to be submitted to the Indenture Trustee regarding estimated dates of exhaustion of firm gas supply.

Of the aggregate \$250 million principal amount of proposed long-term debt, \$50 million will be amortized by annual payments on the bank loans during the years 1973 through 1975, and \$90 million will be paid off thereafter through January 1, 1982, by operation of the sinking fund on the Bonds. Thus, a total of 56 percent of the proposed combined long-term debt is scheduled to be discharged over that 10-year period. Earnings and cash forecasts supplied by the applicant support the feasibility of this debt-amortization program.

Great Lakes' 1972 construction program, estimated at \$29.5 million, is expected to be financed through internally generated Treasury funds and, to the extent necessary, through short-term bank borrowings under the 5 percent exemption afforded by section 6(b)(3) of the Act.

It is stated that no State Commission and no Federal Commission, other than this Commission, has jurisdiction over the proposed transactions. An estimate of fees and expenses expected to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than September 18, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person

being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.72-14905 Filed 8-31-72;8:47 am]

[812-3239]

## PIPER, JAFFRAY &amp; HOPWOOD, INC.

## Notice of Filing of Application for an Order Exempting Certain Transactions

AUGUST 25, 1972.

Notice is hereby given that Piper, Jaffray & Hopwood, Inc., 115 South Seventh Street, Minneapolis, MN 55402 (Applicant), a registered broker-dealer corporation and the prospective representative of a group of underwriters to be formed in connection with a proposed public offering of shares of common stock of Mutual of Omaha Regional Research Shares, Inc. (Company), a registered closed-end investment company, has filed an application, pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicant and its counterwriters from section 30(f) of the Act with respect to their transactions incidental to the distribution of Company shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 30(f) of the Act provides, in part, that every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of which a registered closed-end company is the issuer, shall, in respect of his transactions in any securities of such company be subject to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 (Exchange Act) upon certain beneficial owners, directors, and officers (collectively "insiders") in respect to their transactions in certain equity securities.

Section 16(a) of the Exchange Act requires insiders to file reports of their

holdings and any changes in their holdings, and section 16(b) makes such insiders liable for short-term trading profits.

Shares of the Company are to be purchased by the underwriters, pursuant to an Underwriting Agreement entered into by the underwriters represented by the Applicant and the Company.

In addition to purchases from the Company and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover over-allotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

The participants in the underwriting syndicate and the size of their participation has not yet been determined. It is possible, however, that the underwriting commitments of one or more of the underwriters, including the Applicant, will exceed 10 percent of the aggregate number of shares of the Company's common stock outstanding after the purchase by the several underwriters pursuant to the Underwriting Agreement or upon completion of the initial public offering or at some interim time, thereby causing such underwriters to become subject, by reason of section 30(f) of the Act, to the same duties and liabilities as those imposed by section 16 of the Exchange Act. As a result, such underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers and, upon any other purchases and sales in connection with the distribution, subject to the liabilities imposed by section 16(b) of the Exchange Act.

It is represented that the purpose of the purchase of the shares by the underwriters will be for resale in connection with the initial distribution of the shares and that therefore the purchases and sales will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2 under the Exchange Act which exempts certain transactions in connection with a distribution of securities from the operation of 16(b) thereof.

It is possible, however, that one or more of the underwriters, including Applicant, through their participation in the distribution of the Company's shares, may not be exempted from Section 16(b) by the operation of Rule 16b-2, because they may fail to meet the requirement stated in Rule 16b-2(a) (3) that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b-2 since it is possible that the underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Company may be obligated to purchase more than 50 percent of the shares of the Company being offered.

Moreover, it appears that, in any event, Rule 16b-2 will not exempt the under-

writers subject to section 30(f) from the provisions of section 16(a).

Applicant has represented that there is no "inside information" in existence, since the Company, prior to the initial distribution of the shares, will have no assets (other than cash) or business of any sort, and all material information is to be set forth in the prospectus incorporated in the registration statement.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot be used for the offending practices which section 16 of the Exchange Act is intended to prevent.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of that Act and the rules promulgated thereunder if and to extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of that Act.

Notice is further given that any interested person may, not later than September 20, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of act or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed with the Commission contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14910 Filed 8-31-72; 8:48 am]

[File No. 7-4241]

## SECURITY MORTGAGE INVESTORS

### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 25, 1972.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the shares of beneficial interest of the following company, which security is listed and registered on one or more other national securities exchanges:

Security Mortgage Investors, "New" Shares of Beneficial Interest, \$1 par value, File No. 7-4241.

Upon receipt of a request, on or before September 10, 1972 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14907 Filed 8-31-72; 8:47 am]

[File No. 500-1]

## TOPPER CORP.

### Order Suspending Trading

AUGUST 25, 1972.

The common stock, \$1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered.* Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1972 through September 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14912 Filed 8-31-72; 8:48 am]

[File No. 500-1]

**TRANS-EAST AIR, INC.**  
**Order Suspending Trading**

AUGUST 25, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.50 par value, and all other securities of Trans-East Air, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered.* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 28, 1972 through September 6, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-14911 Filed 8-31-72; 8:48 am]

**TARIFF COMMISSION**

[337-L-50]

**COMBINATION MEASURING TOOLS**

**Notice of Amendment to Complaint Received and Extension of Time for Filing Written Views**

The U.S. Tariff Commission hereby gives notice of the receipt on August 14, 1972, of an amendment to the complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) filed by the Stanley Works, New Britain, Conn., alleging unfair methods of competition and unfair acts in the unauthorized importation and sale of combination measuring tools, featuring a combination level and square, a protractor, nail and screw gauges, dowel gauge, and beam compass said to be embraced within the claims of U.S. Patent No. 3,188,868 and U.S. Patent No. Des. 213,643, both of which patents are owned by complainant. The complainant alleges further unfair methods or acts in the form of respondents' trad-

ing upon the secondary meaning allegedly achieved by the design of complainant's tool.

The amended complaint deletes Ox-wall Tool Co., Ltd., as a respondent and names as respondents Waverly Screw & Hardware Co., Inc., Richmond and Norris Streets, Philadelphia, Pa., as an importer of the article and Awane Seisakusho, 7, 1-Chome, Hanayashiki, Kawanishi, Japan, as the manufacturer of the article.

On June 1, 1972, the U.S. Tariff Commission published notice of the receipt of the complaint (37 F.R. 11003). Interested parties were given until July 14, 1972, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The time was extended until August 14, 1972. The Commission has again extended the time for filing written views until the close of business September 29, 1972.

By order of the Commission.

Issued: August 29, 1972.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.72-14951 Filed 8-31-72; 8:49 am]

[AA1921-101]

**WOOL AND POLYESTER/WOOL  
WORSTED FABRICS FROM JAPAN**

**Notice of Investigation and Hearing**

Having received advice from the Treasury Department on August 25, 1972, that wool and polyester/wool worsted fabrics imported from Japan are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

As used herein, wool and polyester/wool worsted fabrics shall mean machine woven worsted fabrics, weighing not over eight ounces per square yard, (1) in chief weight or chief value of wool and valued over \$2 but not over \$4 per pound; or (2) in chief value of manmade fibers containing over 17 percent of wool by weight, but not in chief weight of wool, and valued over \$2 per pound.

*Hearing.* A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on October 24, 1972. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not

later than noon, Thursday, October 19, 1972.

By order of the Commission.

Issued: August 29, 1972.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.72-14950 Filed 8-31-72; 8:49 am]

**INTERSTATE COMMERCE  
COMMISSION**

[Notice 66]

**ASSIGNMENT OF HEARINGS**

AUGUST 29, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument, appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-11361, Anderson Motor Lines, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., now assigned September 19, 1972, at Washington, D.C., is postponed indefinitely.

MC-C-7408, Klipsch Hauling Co.—Investigation and Revocation of Certificates—now assigned October 11, 1972, at St. Louis, Mo., is postponed indefinitely.

MC-C-7838, Moore Van & Storage, Inc.—James W. Moore, doing business as Ft. Worth Transfer Co. and Ft. Worth Storage & Transfer Co., O.K. Transfer & Storage Co., Cartwright Van Lines, Inc., and American Red Ball Transit Co., Inc.—Investigation of Operations, now being assigned October 31, 1972 (1 day), MC 133095 Sub 25, Texas Continental Express, Inc., now being assigned November 1, 1972 (1 day), at Dallas Tex., in hearing rooms to be later designated.

MC-103993 Sub 619, Morgan Drive-Away, Inc., now assigned September 15, 1972, at Chicago, Ill., is cancelled and application dismissed.

MC 108884 Sub 21, Rogers Transfer, Inc., now being assigned hearing October 4, 1972 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC-C-7697, Travel Ideas, Inc.; American Automobile Association, Wisconsin Division; Agnes J. Ryan; and Travel & Tour Service, Inc.—Investigation of Operations and Revocation of License, now assigned September 26, 1972, at Madison, Wis., will be held in Room 1120D, Wisconsin Department of Transportation, 1 West Wilson Street, Madison, WI.

MC 134229 Sub 5, Richmond Transfer, Inc., now assigned September 12, 1972, at Jefferson City, Mo., is postponed to October 16, 1972, at Jefferson City, Mo., and will be held on the 14th floor, Jefferson State Office Building, 100 Jefferson Street.

MC 107515 Sub 759, Refrigerated Transport Co., Inc., MC 113651 Sub 141, Indiana Refrigerator Lines, Inc., now being assigned hearing November 6, 1972 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC-F-10774, K. L. Breeden & Sons, Inc.—purchase (portion)—Marks Trucking Co., Inc., now being assigned hearing November 13, 1972 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC 113678 Sub 442, Curtis, Inc., MC 115841 Sub 412, Colonial Refrigerated Transportation, Inc., MC 117883 Sub 158, Subler Transfer, Inc., now assigned October 30, 1972, at New York, N.Y., postponed indefinitely.

MC 116073 Subs 86, 87, and 98, Barrett Mobile Home Transport, Inc., now assigned October 2, 1972, at Washington, D.C., postponed indefinitely.

MC 34752 Sub 5, Lincoln Coach Co., Inc., now assigned October 4, 1972, at Stamford, Conn., is canceled and transferred to modified procedure.

MC 108053 Sub 113, Little Audrey's Transportation Co., Inc., now assigned November 13, 1972, at Seattle, Wash., is postponed indefinitely.

MC-C-7777, Allied Van Lines, Inc.—investigation and revocation of certificates, assigned October 16, 1972, at Chicago, Ill., will be held in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 106051 Sub 44, Old Colony Transportation Co., Inc., assigned September 25, 1972, at Albany, N.Y., will be held in Room 434, Post Office and Courthouse, Broadway, Albany, N.Y.

FD 26945, Colorado & Southern Railway Co.—construction and operation—near Minnequa, Pueblo County, Colo., and FD 27022, The Colorado & Wyoming Railway Co.—construction and operation—Pueblo County, Colo., now being assigned hearing October 30, 1972 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC-F-11539, Commercial Carriers, Inc.—control and merge—B & H Truckaway Co., and MC 43038 Sub 451, Commercial Carriers, Inc., now being assigned hearing November 6, 1972, at San Francisco, Calif., in a hearing room to be later designated.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.72-14962 Filed 8-31-72;8:53 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 29, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

##### LONG-AND-SHORT HAUL

FSA No. 42517—*Chemicals to St. Louis, Missouri*. Filed by M. B. Hart, Jr., agent (No. A6319), for and on behalf of the Louisville & Nashville Railroad Co. Rates on diethanolamine, monoethanolamine, and triethanolamine, in tank car loads, as described in the application, from Doe Run, Ky., to St. Louis, Mo.

Grounds for relief—market competition.

Tariff—Supplement 363 to Southern Freight Association, agent, tariff ICC S-484. Rates are published to become effective on October 5, 1972.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.72-14961 Filed 8-31-72;8:53 am]

[No. 35708]

#### FREIGHT, ALL KINDS, SOUTHERN TERRITORY

##### Order Instituting Investigation

At a session of the Interstate Commerce Commission, Suspension and Fourth Section Board, held at its office in Washington, D.C., on the 16th day of August 1972.

There being under consideration, the matter of rates and charges, and the rules, regulations, and practices affecting such rates and charges, applicable on interstate or foreign commerce of freight, all kinds and empty trailers in trailer-on-flatcar service, plan 11½ and plan 111, between points in the Southern Territory, as set forth in the following:

Southern Freight Association, Agent, ICC S-922:

In Supplement 108, on pages 3 through 14, Items 45100-G, 45400-B, 47000 through 47122, 49600-E, 50700-G, 52000 through 52126, 53100-F, 54200-A, 54210 through 54271, 54300-G, 58100-H, 58200-D, 59500-A, 59502 through 59624, 62100-G, 63200-A, 63210 through 63271;

In Supplement 111, on page 34, 54200-B, on page 35, 63200-B;

or as same may be amended or reissued:

It appearing, that upon consideration of the said tariff schedules, and protests thereto, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

*It is ordered*, That an investigation be, and it is hereby instituted into and concerning the lawfulness of the rates, charges, rules, regulations, and practices contained in said schedules with a view to making such findings and orders in the premise as the facts and circumstances shall warrant.

*It is further ordered*, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations, and practices under the Interstate Commerce Act.

*And it is further ordered*, That the carriers parties to the said schedules be, and they are hereby, made respondents

to this proceeding; that a copy of this order be served upon said respondents; and that a notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission.

By the Commission, Suspension and Fourth Section Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-14966 Filed 8-31-72;8:50 am]

[Rev. S.O. 994; ICC Order 71, Amdt. 1]

#### RAILROADS OPERATING IN MARYLAND, DELAWARE, PENNSYLVANIA, AND NEW YORK

##### Rerouting or Diversion of Traffic

Upon further consideration of Revised ICC Order No. 71 (railroads operating in the States of Maryland, Delaware, Pennsylvania, and New York) and good cause appearing therefor:

*It is ordered*, That:

Revised ICC Order No. 71 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall expire at 11:59 p.m., September 30, 1972, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., August 31, 1972, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 28, 1972.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.72-14960 Filed 8-31-72;8:53 am]

[Notice 116]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g), of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of

the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73628. By order of August 28, 1972, the Motor Carrier Board approved the transfer to Sam Lowenstein and Stanley Lowenstein, a partnership, doing business as Super M Foods Delivery, Linden, N.J., of the operating rights in Permits No. MC-124722, MC-124722 (Sub-No. 2), MC-124722 (Sub-No. 4), MC-124722 (Sub-No. 5), MC-124722 (Sub-No. 6) and MC-124722 (Sub-No. 7) issued February 17, 1964, April 16, 1964, March 15, 1967, August 29, 1966, November 17, 1967, and June 9,

1971, respectively to E'Port Trailer Repair, a corporation, Linden, N.J., authorizing the transportation of various commodities between specified points and areas in New Jersey, New York, Connecticut, Pennsylvania, Delaware, New Hampshire, Massachusetts, and Rhode Island. Bert Collins, 140 Cedar Street, New York, NY 10006, representative for applicants.

[SEAL] JOSEPH M. HARRINGTON,  
*Acting Secretary.*

[FR Doc.72-15012 Filed 8-31-72; 8:55 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

<i>Pages</i>	<i>Date</i>
17807-17951.....	Sept. 1

# federad register

FRIDAY, SEPTEMBER 1, 1972  
WASHINGTON, D.C.

Volume 37 ■ Number 171

PART II



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## DEPARTMENT OF LABOR

Employment Standards  
Administration



Minimum Wages for Federal  
and Federally Assisted  
Construction

Area Wage Determination Decisions,  
Modifications, and Supersedeas  
Decisions

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

#### Area Wage Determination Decisions, Modifications and Supersedeas Decisions

**New Determinations.** There are set forth below general area wage determination decisions Nos. AP-231, AP-320, and AP-504 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. These decisions are applicable to Federal and federally assisted construction in the described localities in the States of Missouri, Nevada, and Oklahoma.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 12-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these

determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modifications issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

#### MODIFICATIONS AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modifications and/or supersedeas decisions to area wage determination decisions for specified localities in the States of Florida, Iowa, Kansas, Louisiana, Massachusetts, Missouri, Montana, Nevada, New Jersey, New Mexico, Oklahoma, Oregon, Texas, and Washington.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1,712; AM-1,715; AM-1,716; AM-1,717.	Aug. 11, 1971.
AM-451	Aug. 20, 1971.
AM-2,451; AM-3,617(AP-505).	Aug. 25, 1971.
AM-2,522(AP-229); AM-2,523 (AP-230).	Aug. 27, 1971.
AM-9,684(AP-413); AM-9,685 (AP-414); AM-9,686(AP-415); AM-9,687(AP-416); AM-9,688(AP-417); AM-9,689(AP-418); AM-6,705.	March 10, 1972.
AM-11,410	March 31, 1972.
AM-6,724	April 28, 1972.
AM-11,420; AM-11,421	May 19, 1972.
AM-11,422	June 2, 1972.
AP-105	July 14, 1972.
AP-216; AP-218; AP-308	Aug. 11, 1972.
AP-311; AP-312	Aug. 18, 1972.

Are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modifications and/or supersedeas decisions are based upon informa-

tion obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 is set forth in the document being modified.

Signed at Washington, D.C. this 25th day of August 1972.

HORACE E. MENASCO,  
Administrator,  
Wage and Hour Division.

NEW DECISION

STATE: Missouri

COUNTIES: St. Louis & St. Charles

DECISION NO: AP-504

DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

RESIDENTIAL BUILDING CONSTRUCTION  
ST. LOUIS CITY & COUNTY AND ST. CHARLES COUNTY

11 - No. 1-2 (1-3)

Basic Hourly Rates	P.A.V.	Finance Benefits Payments		
		Present	Vacation	App. Tr.
\$8.53	.20	.17	1	
6.25	.52	.70	5%	
<b>7.56</b>	<b>.25</b>	<b>.30</b>		
<b>7.71</b>	<b>.25</b>	<b>.30</b>		
7.70	.60	.40		
7.37	5%	12+5-1/2%+4-1/2%	1%	
<b>8.10</b>	<b>.195</b>	<b>.20</b>	2%+b+c	
70%JR	<b>.195</b>	<b>.20</b>	2%+b+c	
50%JR	j	.40	8% + k	.01
7.46		.50		
7.975	.40	.50		
<b>7.025</b>	.30	<b>.50</b>		.02
<b>6.90</b>	.30	<b>.50</b>		.02
7.025	.30	.50		
7.10	.30	.30		
6.45	.30	.50		.02
<b>7.525</b>	<b>.30</b>	<b>.50</b>		.01
8.00	.17	.45		
7.19				
6.68				
6.83	.12	.30	.21	
4.60				
7.05	3.675	.60		.03
7.90	.225			
7.505	.40	.40	.80h	
6.85	.27	.30		.02
5.05	.27	.30		.03
6.85	.27	.30		.02
5.91	3%	5%	8%	
8.525	.20	.30		.05
6.25	.52	.70	5%	
5.65				
4.80				
4.90				
7.11	.175	.45	c	
6.63	.175		f	

Truck Drivers:  
 Truck or trailers of a water level capacity of 11.99 cu. yds. or less, fork lift trucks, job site ambulances & pick-up trucks & flat bed trucks  
 Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds., incl. euclids, speedace & similar equipment of same capacity  
 Truck or trailers of a water level capacity of 22.0 cu. yds. & over incl. euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

Welders-receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringing Benefits Payments				Cot.
	M & W	Furloughs	Vacation	App. Tr.	
6.49	e	f	g & m		
6.69	e	f	g & m		
6.79	e	f	g & m		

FOOTNOTES:

- a - Includes 4% Holiday Fund.
- b - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
- c - Paid Holidays: (A; C; D; E; H; J)
- e - Employer contribution of \$12.50 per week.
- f - Employer contribution of \$12.00 per week.
- g - Paid Holidays: (A; C; D; E; G; H; I; J)
- h - Includes .30 Holiday Fund.
- i - Paid Holidays: (A; C; D; E; G; H; J)
- j - Employer contribution of \$52.11 per month.
- k - Paid Holidays: (A through J)
- m - Paid vacation of 3 days for 600 hours of service in any one contract year; 4 days paid vacation for 800 hours of service in any one contract year; 5 days paid vacation for 1,000 hours of service in any one contract year.

PAID HOLIDAYS:

- (A) New Year's Day; (B) Washington's Birthday; (C) Memorial Day; (D) Independence Day; (E) Labor Day; (F) Columbus Day; (G) Veterans Day; (H) Thanksgiving Day; (I) Friday after Thanksgiving; (J) Christmas Day

AP-504 P. 5

(2-4)

11-MO-PEO-1-2-3-1

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & W	Pensions	Vacation	
\$8.02	.35	.40		

AP-504 P. 4

(1-4)

11-MO-PEO-1-2-3-1

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & W	Pensions	Vacation	
\$8.02	.35	.40		

RESIDENTIAL BUILDING CONSTRUCTION-SITE PREPARATION, INCIDENTAL PAVING & UTILITIES

POWER EQUIPMENT OPERATORS

Group I  
 Backhoes; cableway; crane, crawler or truck; Crane, Hydraulic-truck or cruiser mounted - 16 tons & over; Crane, locomotive; derrick, steam; Derrick car & derrick boat; Dragline; Dredge; Gradall, crawler or tire mounted; Locomotive, gas, steam & other powers; Pile driver, land or floating; Scoop, skimmer; Shovel, power (steam, gas, electric or other powers) Switch boat; Whirley

Group II  
 Air tugger w/air compressor; Anchor placing barge; Asphalt spreader; Athey force feed loader (self-propelled); Backfilling machine; Boat operator - push boat or tow boat (job site); Boiler, high pressure breaking in period; Room truck, placing or erecting; Boring machine footing foundation; Bullfloat; Cherry picker; Combination concrete hoist & mixer such as mixer-mobile; Compressors, two, not more than 20 ft. apart; Compressors, not more than five feet apart; Compressor-welder combination; Concrete breaker (truck or tractor mounted); Concrete pump, such as a pumcrete machine; Concrete spreader; Conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane hydraulic - rough terrain, self-propelled; Crane hydraulic - truck or cruiser mounted-under 16 tons; Drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment - no engineer required); Elevating grader; Engine man, dredge; Excavator or powerbelt machine; Finishing machine, self-propelled oscillating screed; Forklift; Grader, road with power blade; Highlift; Hoist, concrete and brick

POWER EQUIPMENT OPERATORS (CONT'D)

Group II (Cont'd)  
 (brick cages on concrete skips operating in or on tower, towmobile, or similar equipment); Hoist, stack; Hydro-hammer; Lad-A-Vator, hoisting brick or concrete; Loading machine (such as Barber-Greene); Mechanic, on jobsite; Mixer, paving; Mixermobile; Mucking machine; Pipe Cleaning machine; Pipe wrapping machine; Plant asphalt; Plant, concrete producing or ready-mix jobsite; Plant, heating-job site; Plant mixing-job site; Plant, power, generating-job site; Pump, self-powered, over 2" (one operator will operate two); Pumps, electric submersible, one through three, over 4"; Quad-track; Roller, asphalt, top or subgrade; Scoop, tractor drawn; Spreader box; Subgrader; Tie tamper; Tractor-crawler or wheel type with or without, power unit, power take-offs, and attachments regardless of size; Trenching machine; Tunnel boring machine; Vibrating machine, automatic, automatic propelled; Welding machines (gasoline or diesel) more than one but not over four (regardless of size); Well drilling machine

Group III  
 Air tugger w/plant air; Boiler, for power or heating on construction projects; Boiler, temporary; Compressor, air-one; Compressor, air (mounted on truck); Concrete saw, self-propelled; Conveyor large (not self-propelled); Conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; Curb finishing machine; Ditch paving machine; Elevator (building construction or alteration); Endless chain hoist; Fireman; Form Grader; Generator, one over 30 KW or any number developing over 30 KW; Graser Hoist, one drum regardless of size (except brick or concrete);

AP-504 P. 6

11-MO-PEO-1-2-3-1 (3-4)

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & W	Pensions	Vacation	
\$7.47	.35	.40		
7.02	.35	.40		
8.82	.35	.40		
9.57	.35	.40		
10.02	.35	.40		
10.77	.35	.40		
8.52	.35	.40		
7.52	.35	.40		

POWER EQUIPMENT OPERATORS (CONT'D)

Group III (Cont'd)  
Lad-A-Vator, other hoisting; Manlift; Mixer, asphalt, over 8 cu. ft. capacity; Mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; Mixer, with outside loader, 2 bag capacity or more; Mixer, with side loader, regardless of size, not paver; Oiler on dredge; Oiler on truck crane; Pugmill operator; Pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; Sweeper, street; Welding machine, one over 400 amp.; Winch operating from truck

Group IV  
Boat operator-outboard motor (jobsite); Conveyor (such as Con-Vay-it) regardless of how used; Oiler; Sweeper, floor

Group V  
Air pressure; Oiler engineer; Operating under ten pounds  
Air pressure; Oiler engineer operating over ten pounds  
Air pressure engineer operating under ten pounds  
Air pressure engineer operating over ten pounds

Crane-pile driving with leads; Crane using rock socket tool; Dragline - 7 cu. yds. & over; Shovel, power - 7 cu. yds. and over; Crane, climbing (such as Linden); Derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; Hoist, three or more drums; Scoop, tandem; Tractor, tandem crawler

Heaters

AP-504 P. 7

11-MO-PEO-1-2-3-1 (4-4)

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & W	Pensions	Vacation	
\$ 8.02	.35	.40		

POWER EQUIPMENT OPERATORS (CONT'D)

Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane.

Mud jack (where mud jack is used in conjunction with an air compressor operator)

Work in tunnel or tunnel shaft, 25c above base rate

SITE PREPARATION, INCIDENTAL PAVING & UTILITIES-ST. CHARLES COUNTY

MO. 1-TD-2, 3

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & W	Pensions	Vacation	
\$8.10				
8.25				
8.10				
8.10				
8.25				
8.32				
8.32				
8.21				
8.10				
8.32				
8.25				
8.32				
8.10				
8.32				
8.00				

TRUCK DRIVERS

Flat bed trucks - single axle  
Flat bed trucks - tandem axle  
Station wagons  
Pickup trucks  
Material trucks - single axle  
Material trucks - tandem axle  
Semi and/or pole trailers  
Winch, fork and steel trucks  
Distributor drivers and operators  
Agitator and transit mix trucks  
Tank wagon - single axle  
Tank wagon - semi-trailer  
Tank wagon - tandem axle  
Insley wagons, dumpsters, half-tracks, speedace, euclids, and other similar equipment  
A-frame and derrick trucks  
Float or low boy  
Warehouseman

POWER EQUIPMENT OPERATORS:

Group 1  
 Asphalt finishing machine & trench widening spreader; Asphalt plant concrete operator; Autograder; Automatic slipform paver; Backhoe; Blade operator-all types; Boat operator-tow; Boller - 2; Central mix concrete plant operator; Clamshell operator; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dozer operator; Dragline operator; Dredge booster pump; Dredge engineman; Dredge operator; Drill cat with compressor mounted on Cat; Drilling or boring machine rotary self-propelled; Highloader; Hoisting engine - 2 active drums; Lanchhammer wheel; Locomotive operator - standard gauge; Mechanics and welders; Mucking machine; Piledriver operators; Mucking machine; Piledriver operator; Pitman crane operator; Push cat operator; Quad trac; Scoop operator - all types; Shovel operator; Sideboom cats; Skimmer scoop operator; Trenching machine operator; Truck crane.

Group 2  
 A-frame; Asphalt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt plant man; Asphalt plant mixer operator; Asphalt roller operator; Backfiller operator; Barber Greene loader; Boat operator (bridges & dams); Chip spreader; Compressor maintenance operator - 2; Concrete mixer operator - skip loader; Concrete plant operator; Concrete pump operator; Crusher operator; Dredge oiler; Elevating grader operator; Fork lift; Greaser-fleet; Hoisting engine - 1; Locomotive operator - narrow gauge; Multiple compactor; Pavement breaker; Powerbroom - self-propelled; Power shield; Rooter; Side discharge concrete spreader; Slip form finishing machine; Stumpcuter machine; Throttle man; Tractor operator (over 50 H.P.); Welding machine maintenance operator - 2; Winch truck;

POWER EQUIPMENT OPERATORS (CONT'D)

Group 3  
 Bollers - 1; Chip spreader (front man); Churn drill oper.; Chief plane operator; Compressor maintenance oper. - 1; Concrete saw operator (self-propelled); Conveyor operator; Curb finishing machine; Distributor operator; Finishing machine operator; Fireman-rig; Flex plane operator; Float operator; Form grader operator; Generator-maintenance operator; Light plant maintenance operator; Maintenance operator; Oiler driver; Pugmill operator; Pump maintenance oper. (other than dredge); Roller operator, other than high type asphalt; Screening & washing plant oper.; Siphons & jets, Sub-grading machine operators; Spreader box operator, self-propelled (not asphalt); Tank car heater operator (combination boiler & booster); Tractor operator (50 H.P. or less); Ulmac, Ulric or similar spreaders; Vibrating machine oper., not hand; Welding machine maintenance oper. - 1

Group 4  
 Oiler  
 Clamshells, 3 yd. capacity or over; Crane, rigs or piledrivers 100 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Hoisting engine over 2 drums; Shovels, 3 yds. capacity or over

Crane, rigs or piledrivers 200 ft. or over

Tandem scoop operator

Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50¢ per hour above basic rate.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Off.
	H & V	Pensions	Vacation	App. Tr.		
\$ 7.50	.35	.40	.02			
\$ 7.10	.35	.40				.02
6.60	.35	.40				.02
7.75	.35	.40				.02
8.25	.35	.40				.02
8.00	.35	.40				.02

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MO. 5-PEO-2,3

(1-2)

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Other
	H & V	Pensions	Vacation			
\$7.50	.35	.40			.02	

POWER EQUIPMENT OPERATORS

Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator-all types; Boat Operator; Boilers-2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine, Rotary, Self-propelled; High-loader; Hoisting Engine-2 or more active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane

A-Frame; Asphalt Roller Operator; Asphalt Plant Operator; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mix Operator, Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork Lift; Greaser-Fleet; Hoisting Engine-1; Locomotive Operator-narrow gauge; Multiple Compactor; Pavement Breaker; Powerboom-self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator-2; Winch Truck

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MO. 5-PEO-2,3

(2-2)

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Other
	H & V	Pensions	Vacation			
\$7.10	.35	.40			.02	
6.60	.35	.40			.02	
7.75	.35	.40			.02	
8.00	.35	.40			.02	

POWER EQUIPMENT OPERATORS (Cont'd)

Boilers-1; Chip Spreader (front man); Churn Drill Operator; Chief Plane Operator; Compressor Maintenance Operator -1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator Maintenance Operator; Light plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Fireman on Asphalt Plants, drum or boiler; Ulmac, Utric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)

Oiler  
 Dragline Operator-3 yds. & over; Shovel -3 yds. & over; Clamshell-3 yds. & over Crane, rigs, or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums  
 Scoop Operator; tandem; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)

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MO. 25 - LAE - 2, 3

(1-2)

AP-504 P. 13  
MO. 25 - LAE - 2, 3

(2-2)

SITE PREPARATION, INCIDENTAL PAVING  
& UTILITIES-ST. CHARLES COUNTY

LABORERS:

General Labor  
Carpenter Tenders; Salamander Tenders;  
Dump Man and Ticket Takers on Stock  
Files; Flagmen; Loading Trucks under  
Bins, Hoppers and Conveyors; Track Men  
and all other General Laborers.

First Semi-Skill  
Air Tool Operator; Cement Handler-Bulk  
or Sack; Dump Man on Earth Fill;  
Georgie Ruggie Man; Material Batch  
Hopper Man; Scale Man; Spreader on  
Asphalt Machine; Material Mixer Man  
(except on manholes); Coffey Dams;  
Riprap Pavers-Rock, Block or Brick;  
Signal Man; Scaffolds over Ten Feet  
not Self-Supported from Ground Up;  
Skipman on Concrete Paving; Wire Mesh  
Setters on Concrete Paving; All Work  
in Connection with Sewer, Water, Gas,  
Gasoline, Oil, Drainage Pipe, Conduit  
Pipe, Tile & Duct Lines and all other  
pipe lines; Power Tool Operator; All  
Work in Connection with Hydraulic or  
General Dredging Operations; Form  
Setter Helpers; Puddlers (Paving only);  
Straw Blower Nozzleman.

Second Semi-Skill  
Asphalt Plant Platform Man; Chuck  
Tender; Crusher Feeder; Men Handling  
Cresote Ties or Cresote Materials;  
Men Working With and Handling Epoxy  
Material or Materials (where special  
protection is required); Head Pipe  
Layer on Sewer Work; Topper of  
Standing Trees; Batter Board Man on  
Pipe and Ditch Work; Vibrator Man;  
Feeder Man on Wood Pulverizers; Board  
and Willow Mat Weavers and Cable Tiers  
on River Work; Deck Hands; Pile Dike  
and Revetment Work; All Laborers  
working on underground tunnels less  
than 25 feet where compressed air is  
not used; Abutment and Pier Hole Men  
working six (6) feet or more below  
ground; Men working in Coffey Dams  
for Bridge Piers and Footings in  
the River.

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.		Other	H & W	Pensions	Vacation	App. Tr.
\$6.525	.30	.10			\$7.025	.30	.40			
6.675	.30	.10			7.275	.30	.40			

LABORERS (Cont'd)

Third Semi-Skill  
Laser Beam Man; Asphalt Baker; Barco  
Tamp; Jackson or any other similar  
Tamp; Wagon Driller; Churn Drills;  
Air Track Drills; All other similar  
Drills; Cutting Torch Man; Form  
Setters; Liners and Stringline Men on  
Concrete Paving, Curb, Cutters, etc.;  
Hot Mastic Kettleman; Hot Tar  
Applicator; Hand Blade Operators; Man-  
hole Builder Helpers and Mortar Men  
on Brick or Block Manholes; Sand  
Blasting and Gunite Nozzle Men;  
Rubbing Concrete; Air Tool Operator in  
Tunnels; Caulker and Lead Man; Screed  
Man on Asphalt Machine; Chain or Con-  
crete Saw; Cliff Scalars working from  
Scaffolds, Rosuns' Chairs or Platforms  
on Dams or Power Plants over Ten (10)  
Feet above Ground; Grade Checker on  
Cuts and Fills.

Fourth Semi-Skill  
Manhole Builders-Erick or Block;  
Dynamite and Powder Men; Welder

NEW DECISION

STATE: Nevada

COUNTRIES: Statewide (excluding the Nevada Test Site & Tonopah Test Range)

DECISION NO.: AP-231

DATE: Date of Publication

DESCRIPTION OF WORK: Heavy and Highway Construction (excluding water well drilling).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
<b>CARPENTERS</b>						
Churchill County	\$ 6.25	.40	.50	.70	.03	
Clark, Esmeralda, Lincoln Counties, & southern half of Nye County (excluding the Town of Tonopah)	5.99	.45	.60	.80	.03	
Town of Tonopah in Nye County	6.25	.40	.50	.70	.03	
Humboldt, Ormsby, Pershing, & Washoe Counties & remaining portions of Nye County	6.10	.45	.60	.80	.03	
Elko & Eureka Counties & Lander County (north of Hwy. 8A)	6.00	.45	.60	.80	.03	
Mineral County	6.25	.40	.50	.70	.03	
White Pine County	6.15	.40	.50	.70	.03	
<b>ELECTRICIANS</b>						
Clark & Lincoln Counties, and Nye County (south of Mt. Diablo Base Line)	9.50	.28	1%		.01	
Electricians & Technicians	9.83	.28	1%		.01	
Cable Splicers						
Chur Hill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye (remaining portions), Ormsby, Pershing, Storey, Washoe & White Pine Counties (excluding Lake Tahoe Area)	8.04	.33	1% + .25		.01	
Electricians	8.84	.33	1% + .25		.01	
Cable Splicers						
Lake Tahoe Area						
Electricians	8.79	.33	1% + .25		.01	
Cable Splicers	9.67	.33	1% + .25		.01	
<b>IRONWORKERS</b>						
Elko, Eureka (Northeast portion including Cities of Palisade, Beawawa & Eureka), Humboldt (Northeast portion incl. Town of McDermit to south-south-east border of Humboldt Co.), Lander (Northeast portion incl. City of Battle Mountain, Lincoln (Northeast portion south to 37th parallel), Nye						

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	Basic Hourly Rates	Fringe Benefits Payments				Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	H & W	Pensions	Vacation	App. Tr.
<b>IRONWORKERS (Cont'd)</b> (northeast portion), and White Pine Counties Structural; Ornamental; Reinforcing; Fence Erectors, Machinery Movers; Riggers Remainder of State Structural; Ornamental Reinforcing Fence Erectors	\$ 6.88 8.34 8.24 8.38	.35 .58 .58 .58	.50 .625 .625 .625	.70 .70 .70	.05 .02 .02 .02				
<b>PAINTERS</b> Clark, Esmeralda, Lincoln, Nye (So. of Manhattan)	5.37 5.62 5.87	.17 .17 .17		.77 .77 .77	.01 .01 .01				
Brush Structural Steel Structural Steel (spray) Churchill, Douglas, Eureka, Elko, Humboldt, Lander, Lyon, Mineral, Nye (remaining portion), Ormsby, Pershing, Storey and Washoe Counties (excluding Lake Tahoe Area)	5.85 6.10 6.00 6.25	.20 .20 .20 .20	.20 .20	.40 .40					
Brush Spray; Structural Steel Lake Tahoe Area									
Brush Spray; Structural Steel LINE CONSTRUCTION Clark, Esmeralda, & Lincoln Counties, & Nye County (South of Mt. Diablo Base Line)	8.40 8.00 6.40	.18 .18 .18	1% 1% 1%		1/2% 1/2% 1/2%				
Cable Splicers Linemen; Equipment Operators Groundman Remaining Counties (except Lake Tahoe Area)	8.84 8.04 7.24 6.03	.33 .33 .33 .33	1% + .25 1% + .25 1% + .25 1% + .25		.01 .01 .01 .01				
Cable Splicers Linemen Line Equipment Operators Groundmen Lake Tahoe Area	9.67 8.79 7.91 6.59	.33 .33 .33 .33	1% + .25 1% + .25 1% + .25 1% + .25		.01 .01 .01 .01				
Cable Splicer Linemen Line Equipment Operators Groundmen									
<b>LABORERS</b> <b>GROUP I</b> Asphalt Workers (Ironers, Shoveler, Cutting machine); Buzgymobile; Chain-saw, Faller, Logloader and Bucker; Com-pactor (all types); Concrete Mixer under 1/2 yds.; Concrete pan work (bread-pan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, Hand-guided lagging hammer; Curbing or Divider machine; Curb setter (precast or cut); Ditching Machine (Hand-guided); Drillers Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of Concrete Walls; Windows and Door Jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic workers (wet or dry); Pipe wrapper, Kettleman, Pot-man, & men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in group V; Pipejacking; Post-hole Digger (air, gas, or electric) Post Driver; Rirrap-Stonepaver and Rock Slinger, incl. placing of sack concrete wet or dry; Tototiller; Rigging and signaling in connection with laborers work; Sandblaster, potman, gunman or nozzle-man; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)	\$5.75	.40						.30	
<b>GROUP II</b> Choker; Setter or Rigger (clearing work only); Pittsburg; Chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group I; Crusher or Grizzly Tender; Guinea Chaser (Stakeran); Panel Forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, Carrying and handling of all roads and material for use in reinforcing concrete; Railroad Tracemen (maintenance, repair or builders); Slogger; Semi-Skilled wreckers (salvaging of building materials other than those listed in Group I)	5.60	.40						.30	

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LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				H & F	PENSIONS	VACATION	APP. TR.	OTHERS	
		H & W	Pensions	Vacation	App. Tr.						
<p><b>GROUP III</b>                      All cleanup work of debris, grounds, and building including windows &amp; tile; Dumpman or Spotter (other than asphalt); General laborer; Gardner and Landscape Laborers; Limber, Brushloader and Plier</p>	\$5.50	.40	.30							.40	.30
<p><b>GROUP IV</b>                      Burning and Welding in connection with laborers work</p>	5.85	.40	.30							.40	.30
<p><b>GROUP V</b>                      Joy Drill Model TWM-2A, Gardner Denver Model DML43 and similar type drills; Core Drillers, Wagon Drillers; Mechanical Drillers on Multiple Units; Blaster and Powderman, all work of loading, placing, and blasting of all powder and explosives of any type, regardless of method used for such loading and placing; High scalers; Concrete pump operator; Heavy duty Vibrator with Stinger 5" diameter or over; Pipelayer; Caulker and Bander; Pipelayer-Waterline, Sewerline, Gasline, Conduit; Asphalt Rakers</p>	6.00	.40	.30							.40	.30
<p><b>GROUP VI</b>                      Nozzlemann, Rodman</p>	6.30	.40	.30							.40	.30
<p>Gunman, Materialman</p>	6.00	.40	.30							.40	.30
<p>Reboundman</p>	5.65	.40	.30							.40	.30
<p><b>TUNNEL LABORERS</b>                      SWAMPER; Bull Gang, Muckers, Trackmen; Dumpman; Concrete Crew- includes rodding &amp; spreading; Grout Crew incl. Headman &amp; Potman; Reboundmen                      NIPPER; Chuck Tenders &amp; Cable Tenders; Powderman-Primer House; Steel Form Raisers &amp; Setters; Vibratormen, Pavement Breakers                      GROUT GUNMEN; Jetgunmen; Gunmen                      MINERS-TUNNEL, incl. Top &amp; Bottom man on Shaft &amp; Raise Work; Timbermen, Retimberman-Wood or Steel or substitute materials therefor; Blasters, Drillers, Powdermen-in heading; Cherry Pickerman- where car is lifted; Nozzlemann on slick line; Sand Blaster-Potman (work assignment interchangeable)                      SHAFT WORK &amp; RAISE (below actual or excavated ground level); Diamond Driller; Gumite Nozzlemann; Rodman; Groundmen                      SHIFTERS                      SHAFT WORK &amp; Raise-Shifters</p>	5.30									.40	.30
	5.40									.40	.30
	5.55									.40	.30
	5.60									.40	.30
	5.90									.40	.30
	6.15									.40	.30
	6.45									.40	.30

AREA 1* POWER EQUIPMENT OPERATORS: GROUP I	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments								
		H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.					
<p>ASSISTANT TO ENGINEER, Including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Parts-man (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman</p> <p>GROUP II COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)</p> <p>GROUP III BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)</p> <p>GROUP IV BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamer Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer</p> <p>GROUP V CONCRETE MIXER (over 1 cu. yd); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman</p>	6.24	.50	.75	.55	.26	6.53	.50	.75	.55	.26	7.08	.50	.75	.55	.26
<p>GROUP VI BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Factor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotives (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller; Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc.); Lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamer (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination; Small Rubber-tired Tractors</p> <p>GROUP VII COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete Conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, Vertical &amp; Horizontal (not to apply to waterliners, wagon drills or Jackhammers); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device;</p>	7.33	.50	.75	.55	.26	7.33	.50	.75	.55	.26	7.33	.50	.75	.55	.26

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AREA 1\*

POWER EQUIPMENT OPERATORS (Cont'd):

GROUP VII (Cont'd)  
 Slusher; Soil Tester (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)

GROUP VIII  
 ASPHALT PLANT ENGINEER; CAR PASTER; Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixer-Mobile; Push C&ts; Road Oil Mixing Machine Wood-Mixer (and other similar pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck," M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-Batch Paver; Tunnel Bagger or Tunnel Boring Machine; Tunnel Mole Boring Machine;

GROUP IX  
 CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull HI-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Rubber-tired Scraper, Self Loading; Sub-Grader (Gurries or other types);

POWER EQUIPMENT OPERATORS (Cont'd)

GROUP X  
 BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Carry-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Ribbins type drills); Lift-Slab (Vagtborg and similar types); Loader (over 2 1/2 yds up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (no tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debrise equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

GROUP XI  
 AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVES; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
	H & W	Pensions	Vacation	App. Tr.		
7.47	.50	.75	.55	.26		
7.76	.50	.75	.55	.26		
8.11	.50	.75	.55	.26		

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AREA 1*	Basic Hourly Rates	Fringe Benefits Payments				Others
		H & W	Pensions	Vacation	App. Tr.	
<p>AREA 1*</p> <p>POWER EQUIPMENT OPERATORS (Cont'd)</p> <p>GROUP XI (Cont'd)</p> <p>Cats and Scrapers; Tower Crane Mobile Universal Lieber &amp; Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)</p> <p>GROUP XI-A</p> <p>BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.) Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels &amp; Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)</p>	8.33	.50	.75	.55	.26	
<p>AREA 2**</p> <p>POWER EQUIPMENT OPERATORS:</p> <p>GROUP I</p> <p>ASSISTANT TO ENGINEER, Including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman</p> <p>GROUP II</p> <p>COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)</p> <p>GROUP III</p> <p>BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)</p> <p>GROUP IV</p> <p>BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer</p> <p>GROUP V</p> <p>CONCRETE MIXER (over 1 cu. yd); Concrete Pumps or pumcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman</p>	7.24	.50	.75	.55	.26	
	7.53	.50	.75	.55	.26	
	7.68	.50	.75	.55	.26	
	8.08	.50	.75	.55	.26	
	8.24	.50	.75	.55	.26	

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AREA 2\*\*

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
8.47	.50	.75	.55	.26
8.76	.50	.75	.55	.26
8.93	.50	.75	.55	.26

POWER EQUIPMENT OPERATORS (Cont'd):

GROUP VII (Cont'd)  
 Slusher; Soil Tester (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)

GROUP VIII  
 ASPHALT PLANT ENGINEER; CAR PASTER; Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-Duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixermobile; Push Cats; Road Oil Mixing Machine Wood-Mixer (and other similar Pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck," M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-Batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine;

GROUP IX  
 CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Rubber-tired Scraper, Self Loading; Sub-Grader (Gurries or other types);

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AREA 2\*\*

POWER EQUIPMENT OPERATORS (Cont'd):

GROUP VI  
 BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotives (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller; Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc.); Lifting device for concrete forms; Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination; Small Rubber-tired Tractors

GROUP VII  
 COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device;

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
8.33	.50	.75	.55	.26

AREA 2\*\*

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
9.33	.50	.75	.55	.26
10.15	.50	.75	.55	.26

POWER EQUIPMENT OPERATORS (Cont'd):

GROUP XI (Cont'd)  
 Cats and Scrapers; Tower Crane Mobile Universal Liebherr & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

GROUP XI-A  
 BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.) Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
9.11	.50	.75	.55	.26

POWER EQUIPMENT OPERATORS (Cont'd):

GROUP X  
 BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Carry-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Ribbins type drills); Lift-Slab (Vagborg and similar types); Loader (over 2 1/2 yds up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (no tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debreed equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

GROUP XI  
 AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem

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TRUCK DRIVERS (Cont'd) Douglas, Ormsby, & Storey Counties & those areas within 25-mi. radius of the City Hall in the following cities: Fallon in Churchill Co., Elko in Elko Co., Yerington in Lyon Co., Carson City in Ormsby Co., Lovelock in Pershing Co., & Reno in Washoe Co.	Fringe Benefits Payments				Fringe Benefits Payments							
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers (cont'd) Rug and Wanhall Drivers: Up to 18,000 lbs. (single unit) 18,000 lbs & over (single unit)	5.45 5.55	.41 .41	.25 .25	.25 .25			5.45 5.55	.41 .41	.25 .25	.25 .25		
Helicopter Pilot (when transporting men or materials)	6.35	.41	.25	.25			6.35	.41	.25	.25		
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)												
Lift Jitneys and Fork Lift	5.65	.41	.25	.25			5.65	.41	.25	.25		
Winch Truck & "A" Frame Drivers: Under 18,000 lbs. 18,000 lbs. & over	5.55 5.65	.41 .41	.25 .25	.25 .25			5.55 5.65	.41 .41	.25 .25	.25 .25		
Warehousemen Spotters Teamsters	5.35	.41	.25	.25			5.35	.41	.25	.25		
Tire Repairman	5.65	.41	.25	.25			5.65	.41	.25	.25		
Truck Repairman	6.10	.41	.25	.25			6.10	.41	.25	.25		
Pick-up Truck & Pilot Cars (job site)	5.45	.41	.25	.25			5.45	.41	.25	.25		
Truck Oilier & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	5.55	.41	.25	.25			5.55	.41	.25	.25		

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TRUCK DRIVERS Douglas, Ormsby, & Storey Counties & those areas within 25-mi. radius of the City Hall in the following cities: Fallon in Churchill Co., Elko in Elko Co., Yerington in Lyon Co., Carson City in Ormsby Co., Lovelock in Pershing Co., & Reno in Washoe Co.	Fringe Benefits Payments				Fringe Benefits Payments							
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers: All Dump Trucks (single multiple or dump units incl. Semi's & double & transfer units): Under 4 yds. (water level) 4 yds. & under 8 yds. (water level) 8 yds. & under 18 yds. (water level) 18 yds. & under 35 yds. (water level) 35 yds. & under 60 yds. (water level) 60 yds. & over	5.40 5.60 5.80 5.95 6.20 6.35	.41 .41 .41 .41 .41 .41	.25 .25 .25 .25 .25 .25	.25 .25 .25 .25 .25 .25			5.40 5.60 5.80 5.95 6.20 6.35	.41 .41 .41 .41 .41 .41	.25 .25 .25 .25 .25 .25	.25 .25 .25 .25 .25 .25		
Transit Mix: Under 8 yds. 8 yds. & incl. 12 yds. Over 12 yds.	5.80 5.90 6.10	.41 .41 .41	.25 .25 .25	.25 .25 .25			5.80 5.90 6.10	.41 .41 .41	.25 .25 .25	.25 .25 .25		
Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.												
Water Trucks: Up to 2,500 gals. 2,500 gals. & over Semi Trailers	5.60 5.70 5.80	.41 .41 .41	.25 .25 .25	.25 .25 .25			5.60 5.70 5.80	.41 .41 .41	.25 .25 .25	.25 .25 .25		
DW 20's and 21's and other similar Cat type, Terra Cobra, LeBourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and fuel &/or Grease Tank Trailers, or other misc. Trailers	5.95	.41	.25	.25			5.95	.41	.25	.25		
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	5.70	.41	.25	.25			5.70	.41	.25	.25		
Bootman, Combination Bootman and Road Oiler	5.85	.41	.25	.25			5.85	.41	.25	.25		
Road Oil Truck or Bootman	5.55	.41	.25	.25			5.55	.41	.25	.25		
Flat Rack (single unit) (2 axle unit)	5.45	.41	.25	.25			5.45	.41	.25	.25		
Flat Rack (single unit) (3 axle unit)	5.55	.41	.25	.25			5.55	.41	.25	.25		

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Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$ 6.15	.41	.25	.25		
6.35	.41	.25	.25		
6.55	.41	.25	.25		
6.70	.41	.25	.25		
6.95	.41	.25	.25		
7.10	.41	.25	.25		
6.55	.41	.25	.25		
6.65	.41	.25	.25		
6.85	.41	.25	.25		
6.35	.41	.25	.25		
6.45	.41	.25	.25		
6.55	.41	.25	.25		
6.70	.41	.25	.25		
6.45	.41	.25	.25		
6.60	.41	.25	.25		
6.30	.41	.25	.25		
6.20	.41	.25	.25		
6.30	.41	.25	.25		

**TRUCK DRIVERS**

Remaining portions of Nevada

Truck Drivers:  
All Dump Trucks (single or multiple dump units incl. semi's & double & transfer units):

Under 4 yds. (water level)  
4 yds. & under 8 yds. (water level)  
8 yds. & under 18 yds. (water level)  
18 yds. & under 35 yds. (water level)  
35 yds. & under 60 yds. (water level)  
60 yds. & over

**Transit Mix:**

Under 8 yds.  
8 yds. & incl. 12 yds.  
Over 12 yds.

Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.

**Water Trucks:**

Up to 2,500 gals.  
2,500 gals. & over  
Semi Trailers

DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and Fuel &/or Grease Tank Trailers, or other misc. trailers

Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers

Bootman, combination Bootman and Road Oiler

Road Oil Truck or Spotman

Flat Rack (single unit) (2 axle unit)

Flat Rack (single unit) (3 axle unit)

**TRUCK DRIVERS (Cont'd)**

Remaining portions of Nevada

Truck Drivers:

Bus and Manhaul Drivers:  
Up to 18,000 lbs (single unit)  
18,000 lbs & over (single unit)

Helicopter Pilot (when transporting men or materials)

Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)

Lift Jitneys and Fork Lift

Minch Truck & "A" Frame Drivers:  
Under 18,000 lbs.  
18,000 lbs. & over

Marchoumen Spotters Teamsters

Tire Repairman

Truck Repairman

Pick-up Truck & Pilot Cars (job site)

Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
6.20	.41	.25	.25		
6.30	.41	.25	.25		
7.10	.41	.25	.25		
6.40	.41	.25	.25		
6.30	.41	.25	.25		
6.40	.41	.25	.25		
6.10	.41	.25	.25		
6.40	.41	.25	.25		
6.85	.41	.25	.25		
6.20	.41	.25	.25		
6.30	.41	.25	.25		

NEVADA AREA DEFINITIONS  
for  
Power Equipment Operators

\*\*AREA 2: All areas not included within Area 1 as defined below.

\*AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo

Baseline and Meridian at the California-Nevada border;

Thence Easterly to the N.E. corner of township 22N, range 22E;

Thence Southerly to the N.E. corner of township 20N, range 22E;

Thence Easterly to the N.W. corner of township 20N, range 26E;

Thence Northerly to the N.W. corner of township 22N, range 26E;

Thence Easterly to the N.W. corner of township 22N, range 29E;

Thence Northerly to the N.W. corner of township 30N, range 29E;

Thence Easterly to the N.E. corner of township 30N, range 33E;

Thence Southerly to the S.E. corner of township 24N, range 33E;

Thence Westerly to the S.E. corner of township 24N, range 31E;

Thence Southerly to the S.E. corner of township 16N, range 31E;

Thence Westerly to the S.E. corner of township 16N, range 30E;

Thence Southerly to the S.E. corner of township 15N, range 30E;

Thence Westerly to the S.E. corner of township 15N, range 27E;

Thence Southerly to the S.E. corner of township 14N, range 27E;

Thence Westerly to the S.E. corner of township 14N, range 23E;

Thence Southerly to the S.E. corner of township 13N, range 23E;

Thence Westerly to the S.E. corner of township 13N, range 22E;

Thence Southerly to the N.E. corner of township 10N, range 22E;

Thence Easterly to the N.E. corner of township 10N, range 23E;

NEVADA AREA DEFINITIONS  
for  
Power Equipment Operators (Cont'd)

Thence Southerly along the Easterly line of range 23E to the intersection of  
the California-Nevada border;

Thence North-Westerly, then Northerly following the California-Nevada border  
to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the  
following line:

Commencing at the S.W. corner of township 37N, range 52E;

Thence Easterly to the S.E. corner of township 37N, range 52E;

Thence Northerly to the N.E. corner of township 37N, range 52E;

Thence Easterly to the N.W. corner of township 37N, range 58E;

Thence Southerly to the S.W. corner of township 37N, range 58E;

Thence Easterly to the S.E. corner of township 37N, range 58E;

Thence Southerly to the N.E. corner of township 31N, range 58E;

Thence Westerly to the N.W. corner of township 31N, range 58E;

Thence Southerly to the S.W. corner of township 31N, range 58E;

Thence Westerly to the S.E. corner of township 31N, range 52E;

Thence Northerly to the N.E. corner of township 31N, range 52E;

Thence Westerly to the S.E. corner of township 32N, range 51E;

Thence Northerly to the point of beginning.

NEW DECISION

STATE: Oklahoma  
 COUNTY: Tulsa  
 DECISION NUMBER: AP-320  
 DATE: Date of Publication  
 DESCRIPTION OF WORK: Residential Construction, single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	\$5.87					
Carpenters	4.00					
Carpenter helpers	2.87					
Cement masons	4.50					
Drywall installers	4.63					
Electricians	4.79					
Heating & air conditioning	4.50					
Ironworkers, reinforcing	3.35					
Laborers	2.87					
Painters, brush	4.50					
Plumbers & pipefitters	5.00					
Plumbers helper	3.50					
Roofers	4.95					
Sheet metal workers	4.00					
Soft floor layers	5.01					
Tile setters	5.25					
Tile setters helper	3.35					



DECISION #AM-6,724 (cont'd.)

MODIFICATIONS P. 3

DECISION #AM-2,451 (cont'd.)

MODIFICATIONS P. 4

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	Basic Hourly Rates	Fringe Benefits Payments				Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	H & W	Pensions	Vacation	App. Tr.
GROUP V FIREMAN ON MECHANICAL HEATERS	5.925	.30	.30	.01					
Asbestos workers	7.25	.25	.25	.10					
CARPENTERS:									
Carpenters	6.50		.15						
Filemen	6.90		.15						
Millwrights	7.00		.15						
Electricians	7.45	.25	1%	1%					.10
Ironworkers (Rest of County)	7.40								
Marble setters; Terrazzo workers;	6.09	.21							
Tile setters	7.84	.34	.30	.04					
Plumbers; Steamfitters									
<p>LABORERS:</p> <p>General Labor</p> <p>Carpenter tenders; Salamander tenders; Dump man and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers</p> <p>First Semi-Skill</p> <p>Air tool operator; Cement handler - bulk or sack; Dump man on earth fill; Georgie buggy man; Material batch hopper man; Scale man; Spreader on asphalt machine; Material mixer man (except on manholes); Coffey dams; Riprap pavers-rock, block or brick; Signal man; Scaffolds over ten feet not self-supported from ground up; Skipman on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile &amp; duct lines and all other pipe lines; Power tool operator; All work in connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only); Straw blower nozzlemans; Wire mesh setters on concrete paving.</p> <p>Second Semi-Skill</p> <p>Asphalt plant platform man; Chuck tender; Crusher feeder; Men handling creosote ties on creosote materials; Men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Vibrator man; Feeder man on wood pulverizers; Board and willow mat weavers and cable tiers on river work; Deck hands; File dike and revetment work; All laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and pier hole man working six (6) feet or more below ground; Men working in Coffey dams for bridge piers and footings in the river.</p>									
DECISION #AM-6,724 - Mod. #3 (37 FR 8642 - April 28, 1972) Cass, Clay, Jackson, Platte, & Ray Counties, Missouri and Johnson & Wyandotte Counties, Kansas									
Change:									
Building Construction: Cass, Clay, Jackson, Platte, & Ray Counties, Missouri	\$8.25	.30	1.00	.02					.40
Boilermakers									
Johnson & Wyandotte Counties, Kansas	8.25	.30	1.00	.02					.10
Boilermakers									
Heavy & Highway Construction: Laborers schedule (Cass Co., Mo.)									
Omit:									
Building Construction: Cass, Clay, Jackson, Platte, & Ray Counties, Missouri	7.55	.30	.85	.02					.40
Boilermakers helpers									
Johnson & Wyandotte Counties, Kansas	7.55	.30	.85	.02					.10
Boilermakers helpers									

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	Basic Hourly Rates	Fringe Benefits Payments				Other
		M & W	Pensions	Vacation	App. Tr.	
<b>Laborers (contd)</b>						
<b>Third Semi-Skill</b>						
Laser beam man; Asphalt takers; Barco tampo; Jackson or any other similar tampo; Wagon driller; Churn drills; Air track drills; All other similar drills; Cutting torch man; Form setters; Liners and stringline men on concrete paving, curb, gutters, etc.; Hot mastic kettleman; Hot tar applicator; Hand blade operators; Manhole builder helpers and mortar men on brick or block manholes; Sandblasting & gunite nozzle men; Rubbing concrete; Air tool operator in tunnels; Caulker and lead man; Screed man on asphalt machine; Chain on concrete saw; Cliff scalars working from scaffolds, Bosuns' Chairs or platforms on dams or power plants over ten (10) feet above ground; Grade checker on cuts and fills.	7.475	.40	.40	.10		.10
<b>Fourth Semi-Skill</b>						
Manhole builders-brick or block; Dynamite and powder men; Welder	7.725	.40	.40	.10		.10

DECISION #AM-6,728 - Mod. #3  
(37 FR 10253 - May 19, 1972)

Cass, Clay, Jackson, Platte, & Ray Counties, Missouri and Johnson & Wyandotte Counties, Kansas

**Change:**

Building Construction:  
Cass, Clay, Jackson, Platte, & Ray Counties, Missouri  
Boilermakers  
Johnson & Wyandotte Counties, Kansas  
Boilermakers

Heavy & Highway Construction:  
Laborers schedule (Cass Co., Mo.)

**Omni:**

Building Construction:  
Cass, Clay, Jackson, Platte, & Ray Counties, Missouri  
Boilermakers helpers

Johnson & Wyandotte Counties, Kansas  
Boilermakers helpers

MO. 22 Lab 2,3

	Basic Hourly Rates	Fringe Benefits Payments				Other
		M & W	Pensions	Vacation	App. Tr.	
<b>CASS COUNTY, MISSOURI</b>						
<b>HEAVY &amp; HIGHWAY CONSTRUCTION</b>						
<b>LABORERS:</b>						
General Labor						
Carpenter tenders; Salamander tenders; Dump man and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers	6.975	.40	.40	.10		.10
<b>First Semi-Skill</b>						
Air tool operator; Cement handler-bulk or sack; Dump man on earth fill; Georgie buggy man; Material batch hopper man; Scale man; Spreader on asphalt machine; Material mixer man (except on manholes); Cofferdams; Riprap pavers-rock, block or brick; Signal man; Scaffolds over ten feet not self-supported from ground up; Skipman on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other work in connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only); Straw blower nozzleman; Wire mesh setters on concrete paving.	7.125	.40	.40	.10		.10
<b>Second Semi-Skill</b>						
Asphalt plant platform man; Chuck tender; Crusher feeder; Men handling creosote ties on creosote materials; Men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Vibrator man; Feeder man on wood pulverizers; Board and willow mat weavers and cable tiers on river work; Deck hands; Pile dike and revetment work; All laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and pier hole men working six (6) feet or more below ground; Men working in Cofferdams for bridge piers and footings in the river.	7.275	.40	.40	.10		.10

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
<p><b>Laborers (cont'd.)</b></p> <p><b>Third Semi-Skill</b>                      Laser beam man; Asphalt rakers; Barco tamper; Jackson or any other similar tamper; Mason drillers; Churn drills; Air track drills; All other similar drills; Cutting torch man; Form setters; Liners and stringline men on concrete paving, curb, gutters, etc.; Hot mastic kettlemen; Hot tar applicator; Hand blade operators; Manhole builder helpers and mortar men on brick or block manholes; Sandblasting &amp; gunite mozzle men; Rubbing concrete; Air tool operator in tunnels; Caulker and lead man; Screed man on asphalt machine; Chain on concrete saw; Cliff scalers working from scaffolds, bosons' chairs or platforms on dams or power plants over ten (10) feet above ground; Grade checker on cuts and fills.</p>	7.475	.40	.40	.10		
<p><b>Fourth Semi-Skill</b>                      Manhole builders-brick or block; Dynamite and powder men; Welder</p>	7.725	.40	.40	.10		
<p><b>DECISION #AM-11,410 - Mod. #7</b>                      (37 FR 6614 - March 31, 1972)                      Orleans, Jefferson, Plaquemines &amp; St. Bernard Parishes, Louisiana</p>						
<p><b>Change:</b>                      Ironworkers:                      Structural, Ornamental, Reinforcing</p>	\$6.95	.15	.25	.02		
<p><b>DECISION #AP-311 - Mod. #1</b>                      (37 FR 16776 - August 18, 1972)                      Caddo &amp; Bossier Parishes, Louisiana</p>						
<p><b>Change:</b>                      Painters:                      Painters, Tape &amp; Float &amp; Paper-hangers                      Stage, Window Jacks &amp; Structural Steel                      Stage, Window Jacks &amp; Structural Steel: Over 30 ft.                      Sandblasting                      Spray</p>	\$5.75 5.75 6.00 6.25 6.35					

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
<p><b>DECISION #AM-1,712 - Mod. #4</b>                      (36 FR 14841 - August 11, 1971)                      Hudson County, New Jersey</p>						
<p><b>Change:</b>                      Building Construction:                      Carpenters:                      West of the Hackensack River:                      Carpenters                      Remainder of County:                      Carpenters &amp; Insulators                      Millwrights                      Electricians                      Pipefitters                      Plumbers:                      Jersey City Bayonne &amp; Hoboken                      Remainder of County                      Sprinklerfitters</p>	\$8.88 8.57 8.57 9.71 8.50 8.35 8.20 9.82	6% 8% 8% 4% .30 .65 .61 .30	6% 8% 8% 6%+.58 .75 .75 .55 .50	.02 .02 .02 1.5% .25 1.00 1.00 1.00	.02 .02 .02 .05 .07	
<p><b>Omit:</b>                      Dredging schedule (See New Decision AM-9,322 published in 37 FR, Page 10693, May 26, 1972)</p>						
<p><b>DECISION #AM-1,715 - Mod. #6</b>                      (36 FR 14863 - August 11, 1971)                      Monmouth County, New Jersey</p>						
<p><b>Change:</b>                      Building Construction:                      Carpenters and Insulators                      Millwrights                      Electricians                      Painters:                      Commercial                      Structural steel &amp; bridge                      Plumbers &amp; Steamfitters:                      Asbury Park Area                      Plumbers &amp; Pipefitters:                      Red Bank Area                      Sprinklerfitters:                      Union Beach, Keyport, Clifford, Keensburg, Port Monmouth, Bel-ford, Leonardo, Atlantic High-land, New Monmouth, Matawan &amp; Middletown                      Remainder of County</p>	\$8.38 8.63 9.45 7.80 8.40 10.04 8.81 9.82 8.75	6% 6% .20+d .45 .45 3% .36 .30 .30	6% 6% 1%+.20 .65 .45 .25 .60 .50 .50	.02 .02 .01 .75 .05 .07 .05		
<p><b>Omit:</b>                      Dredging schedule (See New Decision AM-9,322 published in 37 FR, Page 10693, May 26, 1972)</p>						





MODIFICATIONS P. 15

MODIFICATIONS P. 14

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$7.37	.40	.45	.05	
7.59	.40	.50	.20	
8.14	.40	.50	.20	
7.20	.40	.50	.20	
6.88	.40	.50	.20	
6.78	.40	.50	.20	
6.83	.40	.50	.20	
6.44	.40	.50	.20	
6.34	.40	.50	.20	

DECISION #AP-308 - Mod. #2  
(37 FR 16354 - August 11, 1972)  
Oklahoma County, Oklahoma

Change:  
Bricklayers - Stonemasons

DECISION #AP-218 - Mod. #1  
(37 FR 16357 - August 11, 1972)  
Statewide, Oregon

Change:  
Dredging:  
Dipper Leverman:  
(a) 5 yards and under  
(b) Over 5 yards  
Leverman, Hydraulic  
Assistant Engineer (Electric  
Generator Operator for Primary  
Pump; Power Barge or Dredge)  
Assistant Engineer (Electric,  
Diesel, Steam or Eocster Pump);  
Mates and Boatmen  
Engineer Welder; Cyaneman  
Fireman; Oiler  
Assistant Mate (Deckhand)

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
	H & W	PENSIONS	VACATION	APP. TR.
5.25	.40	.45	.20	.02

LABORERS

GROUP I  
Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners & cutters; Car & truck loaders; Carpenter tender; Change-House man or dry shack men; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); GENERAL LABORERS; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Spraymen; Stake chaser-Stacker setter-Grade checker; Stockpiler; Timber faller & buckler (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weigh man-crusher aggregate (when used)

GROUP II  
Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clay power spreader & similar types; Clean-up nozzleman; Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder; Powertool op., incls but not limited to: Chipping Guns, JACKHAMMER, Paving breakers, Post hole digger, Air Gas, or Electric, Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip rap man (hand placed); Sand blasting (wet); Sower

MODIFICATIONS P. 15

MODIFICATIONS P. 14

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			OTHERS
	H & W	PENSIONS	VACATION	
5.40	.40	.45	.20	.02
<p>GROUP III                      timbermen; Timber buckers &amp; fallers, Brush cutters (power saw); Tunnel-Muckers, Brakemen, Concrete crew, Bull gang (under-ground)</p> <p>GROUP III                      Asphalt rakers; Bid grinder; Concrete saw op.; Drill doctor; Drill operator, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, &amp; other similar types; Gunite nozzleman; High scalars, strippers &amp; drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping &amp; stripping); Powdermen; Power saw ops. (Pucking &amp; falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (Dry); SEWER PIPE LAYERS; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel--Chuck tenders, Nippers &amp; Timbermen; Vibrators (4" &amp; larger); Water blaster</p>				
5.55	.40	.45	.20	.02
5.70	.40	.45	.20	.02
<p>GROUP IV                      Tunnel miners; Tunnel powderman</p>				

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			OTHERS
	H & W	PENSIONS	VACATION	
\$6.10	.40	.50	.20	
<p>POWER EQUIPMENT OPERATORS</p> <p>GROUP I                      ASSISTANT CONVEYOR; Oiler, including plant and crusher; Crusher Feederman; Deckhand; Self-propelled Scaffolding; Guard Rail Punched Oiler; Pump under 4" Brekeman Switchman; Parts Man (Tool Room)</p> <p>GROUP II                      GRADE, PULLED TYPE; Truck Crane Oiler-driver, 25 ton capacity or over; Fireman, all equipment; A-Frame Truck, single drum; Tugger or Coffin type Hoist, any power; Drill Helper; Auger Oiler; Boatman; Fork-lift or Lumber Stacker; Temporary Heating Plant; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Fireman Helicopter Radio-man (ground); Roller, Rock</p> <p>GROUP III                      PLANT FIREMAN; Pugmill; Truck Mounted Asphalt Spreader, with screed; Comp. pressor, any power, under 1,000 cu. ft. total capacity; Mixer Box Concrete Plant; Concrete Conveyor; Cement Hoz; Concrete Saw, self-propelled unit; Wire Est Machines or Booming Machine; Concrete Curing Machine, self-propelled; Bucket Elevator Loader, Barber Greene and similar type; Hydraulic Pipe Press; Pump any power, 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Ball Boy, phones, etc; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pump or seed; Broom Operator, self-propelled; Air Filtration Equipment; Welding Machine</p>				
6.24	.40	.50	.20	
6.34	.40	.50	.20	

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				Other
	H & V	PENSIONS	VACATION	APP. TR.	
<p>GROUP IV                      SCREED; Compactor, including vibratory; Compressor, over 1,000 cu. ft. total capacity; Concrete Mixer; single drum, under 5 bag capacity; Concrete Cooling Machine; Combination Mixer and Compressor; Gunite work; Helicopter Hoist; Fork Lift, over 5 tons; Lull Hi-Lift of similar type, 20 ft. or over; Service Ciler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Koller, Oilings, CTE</p>	.40	.50	.20		
<p>GROUP V                      CURB MACHINE, MECHANICAL BERM, CURE AND/OR CURB AND BUTTER, Wagner Factor or similar type (without blade); Hatch Plant Material Control; Pover Jumbo, setting slip forms, etc. in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator, Diesel, Gas, Engineer; Chip Spreading Machine; Lime Spreading Sweeper (Wayne Type) self-propelled; Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth</p>	6.52	.50	.20		
<p>GROUP VI                      ASPHALT PLANT; Asphalt Paver; Magnis, internal full slab vibrator; Concrete finishing Machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Cast in place pipe laying machine; Concrete Paving Machine; Concrete Spreader; Loaders, Rubber-tired type, 2 1/2 cu. yds. and under; rock Spreader, self-propelled</p>	6.60	.50	.20		
<p>GROUP VII                      HOLLER, ASPHALT; Concrete Mixer, single drum, 5 bag capacity and over; Belcrete; Pumcrete; Cement pump, Fuller-Kernon and similar; Grouting Machine; Concrete Pump; Tower Hobile; A-Frame Truck, double drums; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2 1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor and towed requiring operator or grader; Pot Hammer; Ballast Regulator; Ballast Tamper Multi-Purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over</p>	\$6.66	.40	.50	.20	
<p>GROUP VIII                      DIESEL-ELECTRIC ENGINEER, PLANT OR FLOATING; Batch Plant and/or wet mix, one and two drums; Generator; Diesel-Electric Engineer; Belt Loaders, Kolman and Ko Cal types</p>	6.76	.40	.50	.20	
<p>GROUP IX                      BULLDOZER; Drill Cat; Side-Boom Cat; Compactor, with blade; Chicago Boom and similar types; Lift Slab Machine; Boom Type lifting device, 5 tons capacity or less; Cherry picker or similar type crane-boist 5 ton capacity or less; Grizale; Crusher Plant; Boring Machine; Surface Heater &amp; Planer; Hydraulic Backhoe, truck type 3/8 cu. yds. Loader, front end and overhead 2 1/2 cu. yds. and under 4 cu. yds.; Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Bolt Threading Machine; Drill Doctor, including bit grinder; H.D. Mechanic; H.D. Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor Rubber-tired over 50 H.P. Flywheel; Tractor, Rubber tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth</p>	6.82	.40	.50	.20	
<p>GROUP X                      BULLDOZER, TWIN-ENGINE (TC 12 and similar type); Cable-Plow; Compactor, Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types; Jack Operator Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder; Welder-Certified; Rubber tired Dozers and Pushers (Michigan, Cat, Hough type)</p>	6.88	.40	.50	.20	

Bldg Hourly Rate	FRINGE BENEFITS PAYMENTS			Other
	H & W	Vacation	Exp. Tr.	
\$6.90	.40	.50	.20	
6.96	.40	.50	.20	
7.04	.40	.50	.20	
7.20	.40	.50	.20	
7.36	.40	.50	.20	

**GROUP XI**  
**MYER MOBILE**; Crane, 25 tons and under; Shovel, Dredging, Clamshell, Hoe, etc., under 1 cu. yd.; Grapple, under 1 cu. yd.; Mucking Machine

**GROUP XII**  
**BLADE**; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drum; Hoist, 3 or more drums; Elevating Loader, Atley and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading, paddle wheel loader type; Rubber-tired Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Shield Operator

**GROUP XIII**  
**BLADE, FINISH** (Working with either red or blue tops); Blade, Electronically controlled by wire or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry, Overhead; Derrick, under 100 tons; Hoist, Stiff-leg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 tons; Hydraulic Backhoe, truck type over 3/8 cu. yds. Elevating Grader, operated by tractor, Sierra, Bucild or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd. but less than 3 cu. yds.; Grapple, 1 cu. yd. and over; Back filling machine

**GROUP XIV**  
**RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER**

**GROUP XV**  
**MOCK HOULD**; Loader, 4 cu. yds. but less than 6 cu. yds.

**GROUP XVI**  
**AUTO GRADER** (i.e. CHD) or TRIMMER; Tandem Bulldozer, Quad-rim and similar type; Automatic Concrete Slip Form Paver; Concrete Canal Liner; Cableway, 25 tons and over; Crane, over 40 tons and including 100 tons; Whirley, 80 tons and under; Floating Clamshell, etc., 3 cu. yds. and over;

Bldg Hourly Rate	FRINGE BENEFITS PAYMENTS			Other
	H & W	Vacation	Exp. Tr.	
\$7.54	.40	.50	.20	
7.68	.40	.50	.20	
7.86	.40	.50	.20	
8.00	.40	.50	.20	

**GROUP XVII**  
**Floating Crane** (Derrick Barge), 30 tons but less than 80 tons; Loader, 6 cu. yds., but less than 8 cu. yds. Loader 8 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc. 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

**GROUP XVIII**  
**CRANE**, Over 100 tons and including 200 tons; Whirley over 80 tons and including 150 tons; Floating Crane (Derrick Barge), 80 tons but less than 150 tons; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

**GROUP XVIII**  
**CRANE**, over 200 tons; Whirley, 150 tons and over; Floating Crane 150 tons but less than 250 tons; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with wheel excavator

**GROUP XVII**  
**HELICOPTER**; When used in erecting work; Floating Crane 250 tons and over; Remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); Underwater Equipment, remote or otherwise

Basic Rate Per Hour	FRINGE BENEFITS PAYMENTS			Other
	H & W	Pension	Vacation	
6.33	.35	.40	.15	
6.43	.35	.40	.15	
6.53	.35	.40	.15	
6.70	.35	.40	.15	
6.80	.35	.40	.15	
6.90	.35	.40	.15	
7.00	.35	.40	.15	
7.10	.35	.40	.15	

Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 20 cu. yds. & incl. 30 cu. yds.; Transit mix & wet or dry mix trucks: over 9 cu. yds. & incl. 11 cu. yds.; Water Wagons (rated capacity): over 7000 gals to 10,000 gals.

Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 30 cu. yds. & incl. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Water Wagons (rated capacity): over 10,000 gals. to 15,000 gals.

Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds.; Transit mix and wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.

Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.

Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.

Dump trucks, side, end & bottom dumps; incl. semi-truck & trains or combin. thereof: over 70 cu. yds. and incl. 80 cu. yds.

Dump trucks, side, end & bottom dump, including semi-trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.

Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.

Drivers and Helpers (handling sacked cement add \$.15 per hour).  
Which truck - takes classification of truck on which it is mounted.

Basic Rate Per Hour	FRINGE BENEFITS PAYMENTS			Other
	H & W	Pension	Vacation	
5.93	.35	.40	.15	
5.98	.35	.40	.15	
6.03	.35	.40	.15	
6.08	.35	.40	.15	
6.13	.35	.40	.15	
6.23	.35	.40	.15	

**TRUCK DRIVERS**  
Battery tender, loader, bus or man-hall driver; Concrete buggy (power operated); Pump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: 6 cu. yds. & under; Lift jitneys, fork lifts (all sizes used in loading, unloading & transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed & misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men & parts chaser, checker & receivers); Water wagons (rated capacity); up to 16000 gals.

"A" frame or hydra-lift truck w/load bearing surface; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combin.; Team drivers

Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 6 cu. yds. incl. 10 cu. yds.; Slurry truck driver or leverman; Transit mix & dry or wet trucks: 5 cu. yds. & under; Tireman (full-time basis); Water wagons (rated capacity): 1600 to 3000 gals.

Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck & trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity: 3000 to 5000 gals.

Dumpster or similar equipment, all sizes; Transit mix & wet or dry mix trucks; Over 5 cu. yds. & incl. 7 cu. yds.

Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.; Transit mix & dry or wet mix trucks: over 7 cu. yds. & incl. 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity): 5000 to 7000 gals.

DECISION #AN-11,422 - Mod. #6  
(37 FR 11145 - June 2, 1972)  
Travis County, Texas

Change:  
Building Construction:

Ironworkers:  
Structural, Ornamental, Reinforcing

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$6.315	.25	.40		.10	

DECISION #AP-312 - Mod. #1

(37 FR 16716 - August 18, 1972)  
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties, Texas

Change:  
Building Construction:

Cement Masons:  
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Hartley, Oldham, Potter, Randall, Swisher and Wheeler Counties  
Machine operators:  
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Hartley, Oldham, Potter, Randall, Swisher and Wheeler Counties

Glaziers: 5.85

Painters: 4.85

Brush & roller; paperhanger; 5.25

perfa-tapers 5.375

Structural steel painters; swinging 5.90

stage or chair below 50 ft. 5.50

Spray painters & sandblasters 7.22

Perfa-tape, machine operator

Sheet metal workers

Plumbers & pipefitters:

Zone 1 - shall extend a distance of 25

road miles beyond the police station

in Amarillo & Borger 6.20

Zone 2 - shall extend a distance of

25 road miles beyond the outer

perimeter of Zone 1 6.45

Zone 3 - shall apply to all areas

not within Zones 1 or 2 6.70

DECISION #AN-6,705 - Mod. #1  
(37 FR 5188 March 10, 1972)  
Adams-Asotin-Benton-Columbia-Ferry-Franklin-Garfield-Ferry-Lincoln-Pend Oreille-Spokane-Stevens-Walla Walla and Whitman Counties, Washington

Change:

Boilermakers  
Bricklayers; Stonemasons  
Adams (except city of Othello)-Asotin-Columbia-Ferry-Garfield-Lincoln-Pend Oreille-Spokane-Stevens-Whitman Counties  
City of Othello in Adams County- Benton-Franklin-Grant-Walla Walla Counties  
Cement Masons:  
Cement Masons  
Gunite; Power Machine Electricians:  
Asotin-Benton-Columbia-Franklin-Garfield-Walla Walla Co.

Electricians 8.03

Cable Splicers 8.43

Spokane-Stevens-Whitman Counties 8.03

Electricians 8.43

Cable Splicers 8.03

Grant County: 8.43

Electricians 7.00

Cable Splicers

Lathers

Marble Setters:

Adams (except city of Othello)-

Asotin-Columbia-Ferry-Garfield

Lincoln-Pend Oreille-Spokane

Stevens-Whitman Counties

City of Othello in Adams Co.-

Benton-Franklin-Grant-Walla Walla

Counties 8.15

Terrazzo Workers and Tile Setters:

City of Othello in Adams Co.-

Benton-Franklin-Grant-Walla

Walla Counties 7.85

Boilermakers' Helpers 7.18

Boilermakers' Helpers 6.40

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$6.95	.60	1.00	.50		.02
8.15	.30				
7.85	.30				
6.60	.20	.20			
6.75	.20	.20			
8.03	.25	1%			.02
8.43	.25	1%			.02
8.03	.25	1%			.02
8.43	.25	1%			.02
7.00	.40				
8.15	.30				
7.85	.30				
7.18	.30				
6.40	.30	.70	.45		.02

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1-MASS-1-2-3-W (2-2)

SUPERSEDES DECISION  
 COUNTY: Barnstable  
 DATE: Date of Publication

Supersedes Decision No. AM-9,684 dated March 10, 1972 in 37 FR 5170.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories, heavy and highway construction, & marine construction.)

	1-MASS-1-2-3-W (1-2)				1-MASS-1-2-3-W (2-2)						
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Yr.	Others	H & W	Pensions	Vacation	App. Yr.	Others
<b>BUILDING, HEAVY, &amp; HIGHWAY CONSTRUCTION</b>											
<b>ASBESTOS WORKERS:</b>											
Barnstable, Bourne, Falmouth, Mashpee, & Sandwich	\$8.20	.39	.35		.005						
Remainder of County	8.505	.50	.40		.01						
<b>BOILERMAKERS</b>	7.25	.40	10%		.01						
<b>BRICKLAYERS; GEMENT MASONS; Cement finishers; Plasterers; Stonemasons</b>	8.25	.50	.50		.02						
<b>CARPENTERS; Soft floor layers</b>	7.65	.30	.30								
<b>ELECTRICIANS:</b>											
Electrical contracts under \$12,000.00	6.85	.25	1%		a						
Electrical contracts over \$12,000.00	8.15	.25	1%		a						
<b>ELEVATOR CONSTRUCTORS</b>	7.54	.17	.185	274b+c	.005						
<b>ELEVATOR CONSTRUCTORS' HELPERS</b>	5.28	.17	.185	274b+c	.005						
<b>ELEVATOR CONSTRUCTORS' HELPERS (PROB.)</b>	3.77										
<b>GLAZIERS</b>	5.42	.24	.15								
<b>IRONWORKERS:</b>											
Ornamental; Reinforcing; & Structural	7.70	.45	.85		.02						
<b>LABORERS:</b>											
Building:											
Common laborers	6.10	.20	.25		.05						
Asphalt rakers; Jackhammer operators; Tampers; Pipelayers (concrete clay); Stone spreader & raker pneumatic gas & electric tool operators;											
Wreckers	6.35	.20	.25		.05						
Blasters & Powdermen	6.60	.20	.25		.05						
Open air caisson, Cylindrical work & boring crew:											
Bottom man	6.85	.20	.25		.05						
Top man	6.10	.20	.25		.05						
Test boring leader	6.51	.20	.25		.05						
Test boring helper	6.22	.20	.25		.05						
<b>Heavy &amp; Highway:</b>											
Block pavers; Curb setters; Rammer	6.30	.20	.25		.05						
Blasters; Powdermen	6.60	.20	.25		.05						
Hod carriers; Pneumatic, gas & electric tool operator; Jackhammerman											
Pipelayers	6.10	.20	.25		.05						
Laborers	6.10	.20	.25		.05						
Leadburners	5.85	.20	.25		.05						
Lathers	7.50	.45	.50		.01						
Leadburners	7.80	.30			.01						
<b>LINE CONSTRUCTION:</b>											
Linemen	6.16		1%								
Truck driver - groundman	4.81		1%								
Groundmen	4.37		1%								
Equipment operators	5.45		1%								
Marble setters; Terrazzo workers	7.65	.50	.50								
Marble setters; Helpers	6.50	.20	.10								
Millwrights	3.60	.30	.30								

**PAINTERS:**

Brush

Structural steel - 1' to 50'

Spray

FILEDRI VERMEN

PLUMBERS; Steamfitters

ROOFERS:

Roofers, Kettlemen & waterprooferers

Roofers' helpers, Class A

Roofers' helpers, Class B

SHEET METAL WORKERS

SPRINKLER FITTERS

TERRAZZO WORKERS' HELPERS

TILE SETTERS

TILE SETTERS' HELPERS

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;

E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes \$1.00 per journeyman Electricians per week.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years' service as Vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked 43 days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding the following holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

TRUCK DRIVERS-BUILDING CONSTRUCTION

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Power Equipment Operators:

Showels, cranes, truck cranes, draglines, trench  
hoes, backhoes, three drum machines, derricks, pile  
drivers, elevator towers, hoists, gradalls, shovel  
dozers & front end loaders (except when pushing),  
fork lifts, augers, cherry pickers, boring machines,  
rotary drills, post hole diggers, pumcrete machines,  
post hole hammers, pavement breakers, cement concrete  
pavers, trenching machines, hoisting engines, tke  
loaders, pucking machines (when used as in shafts  
and tunnels), shaft hoist steam engineers, cable-  
ways

Boom over 150' including jib - additional \$.35 per  
hour  
Boom over 185' including jib - additional \$.70 per  
hour  
Boom over 210' including jib - additional \$1.00 per  
hour  
Boom over 250' including jib - additional \$1.50 per  
hour  
Boom over 295' including jib - additional \$2.00 per  
hour

Sonic or vibratory hammers, graders, scrapers, tractors,  
concrete pumps, tandem scrapers, bulldozers,  
mulching machines, rock rakes, portable steam boiler  
ers, rollers, spreaders, tampers self-propelled or  
tractor drawn, asphalt pavers, mechanics maintenance  
grout pumps, locomotive or machines used in place  
thereof

Pumps (1-3 grouped), compressors, welding machines  
(1-3 grouped), Generators, concrete vibrators,  
lighting plants, heaters (power driven 1-5),  
wellpoint systems (operating and installing),  
siphons/suiceters, concrete mixers, valves  
controlling permanent plant air or steam, conveyors  
Jackson type tamper single diaphragm pump  
Assistant engineers (firemen)  
Oilers and apprentices (other than truck cranes and  
gradalls)

Oilers and apprentices on truck cranes and gradalls

Footnotes:

a. Holidays: A through F: Washington's Birthday;  
Columbus Day and Veterans Day;  
Patriots Day.

Two axle equipment  
Three axle equipment  
Four and five axle equipment  
Low bed trailer  
Specialized earth moving equipment  
other than conventional  
Helpers on low beds

PAID HOLIDAYS: (Where Applicable)  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in  
which an employee has worked 15  
days provided he has been employ-  
ed for 4 months.

b. Holidays: A through F, Washington's  
Birthday, Columbus Day and Vete-  
rans' Day after 30 days employ-  
ment, provided an employee works  
two days of the calendar week in  
which the holiday falls.

BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.	CRSE
\$3.97	.24	.35	atb		
4.02	.24	.35	atb		
4.12	.24	.35	atb		
4.22	.24	.35	atb		
4.22	.24	.35	atb		
3.97	.24	.35	atb		

Basic Hourly Rate	H & W	Pension	Vacation	App. Tr.	CRSE
\$8.16	.40	.40	a	.02	
8.04	.40	.40	e	.02	
6.725	.40	.40	a	.02	
7.41	.40	.40	a	.02	
5.85	.40	.40	a	.02	
6.23	.40	.40	a	.02	

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MARINE CONSTRUCTION

C

TD - 2-3

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TRUCK DRIVERS:  
HEAVY AND HIGHWAY CONSTRUCTION

Station wagons, panel trucks and pickup trucks  
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators  
Three axle equipment and tiremen  
Four and five axle equipment  
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics  
Specialized earth moving equipment over 35 tons  
Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:  
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.  
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

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Basic Hourly Rate	H & W	FRINGE BENEFITS PAYMENTS			Over
		Pension	Vacation	App. Tr.	
\$8.16	.40	.40	a		.02
8.11	.40	.40	a		.02
8.04	.40	.40	a		.02
8.04	.40	.40	a		.02
7.41	.40	.40	a		.02
6.725	.40	.40	a		.02
5.85	.40	.40	a		.02
6.625	.40	.40	a		.02
6.23	.40	.40	a		.02

Power Equipment Operators:  
Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift Booms over 150' including jib - additional \$\$.35 per hour  
Booms over 185' including jib - additional \$.70 per hour  
Booms over 210' including jib - additional \$1.00 per hour  
Booms over 250' including jib - additional \$1.50 per hour  
Booms over 295' including jib - additional \$2.00 per hour  
Swinger engine  
Sonic or vibratory hammer, yolk rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper  
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenance), concrete mixer with side loader  
Assistant engineer (fireman)  
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon pulsometer, concrete mixer, conveyor  
Oiler (other than truck crane and gradall)  
Oiler on scow  
Oiler on truck crane and gradall

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F: Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

SUPERSEDES DECISION

COUNTY: Essex

DATE: Date of Publication

Supersedes Decision No. AM-9,685 dated March 10, 1972 in 37 FR 5172.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, & marine construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (1-4)

Basic Hourly Rates	Fringe Benefits Payments (1-4)			App. Tr.	Othc.
	H & W	Pensions	Vacation		
\$8.505 7.25	.50 .40	.40 10%		.01 .01	
8.35 8.53	.235 .42	.15 .50		.01	
7.20	.20	.20			
8.20	.30	.30		.01	
7.80 7.45	.30 .30	.30 .30			
7.30	.235	.15			
8.35 8.55	.235 .42	.15 .50		.01	
8.45	.25	17+.10		.02	
8.60	.35	17+.95		.015	
7.85 7.90 7.54 5.28 3.77 7.15 7.89	.25 .25 .17 .17 .17 .17 .45	17+.20 17+.10 .185 27+.4+3 .185 .16 .85		.02 .02 .005 .005 .02 .02 .005	

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5-MASS-1-2-3-z (2-4)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Othc.
	H & W	Pensions	Vacation		
\$6.10 6.35 6.60	.20 .20 .20	.25 .25 .25	c c c	.05 .05 .05	
6.10	.20	.25		.05	
6.35 6.60	.20 .20	.25 .25		.05 .05	
6.85 6.10 7.25	.20 .20 .20	.25 .25 .25		.05 .05 .05	
6.10	.20	.25		.05	
6.35 6.60 6.30	.20 .20 .20	.25 .25 .25		.05 .05 .05	
6.10	.20	.25		.05	
7.15 7.15 7.80	.45 .45 .30	.50 .50		.01 .01	
7.03 6.19 6.27 4.78 4.57 6.56 7.65 6.50		17 17 17 17 17 17 17 .50 .20	e e e e e e e	.01 .01	

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5-MASS-1-2-3-2

(3-4)

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5-MASS-1-2-3-2

(4-4)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- b. 6 Paid Holidays: A through F
- c. 1 Paid Holiday: Labor Day
- d. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding the following holiday.
- e. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
<b>PAINTERS:</b>						
Essex, Gloucester, Manchester, & Rockport	\$5.45	.20				
Brush	5.55	.20				
Spray	5.75	.20				
Roller						
Andover, Boxford, Lawrence, Methuen, & North Andover	4.10	.15				
Brush	4.60	.15				
Structural steel	5.10	.15				
Spray						
Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury	3.00					
Brush (Under \$3,500.00)	3.75					
Brush (Over \$3,500.00)	4.05					
Steel						
Remainder of County.						
Brush	6.55	.20	.15			
Steel	6.80	.20	.15			
Spray	6.925	.20	.15			
Steel	8.30	.30	.30			
<b>PLUMBERS; Steamfitters:</b>						
Amesbury, Haverhill, Merrimac, Salisbury, & West Newbury	6.50	.30	.30		.02	
Andover, Georgetown, Groveland, Lawrence, Methuen, & North Andover	8.00	.30	.25		.05	
Lynn, Lynnfield, Nahant, Saugus, & Swampscott						
Plumbers	9.05	.30	.60		.03	
Steamfitters	9.26	.35	.30		.05	
Remainder of County	7.70	.35	.40		.02	
<b>ROOFERS</b>	8.00	.30	.20		.02	
<b>SHEET METAL WORKERS</b>	8.43	.36	.35		.05	
<b>SPRINKLER FITTERS</b>	8.00	.25	.40			
<b>TERRAZZO WORKERS' HELPERS</b>	7.40	.20	.10			
<b>TILE SETTERS</b>	8.20	.20	.25			
<b>TILE SETTERS' HELPERS</b>	6.50	.20	.10			

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TRUCK DRIVERS - BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.41	.35	.50		atb
5.51	.35	.50		atb
5.56	.35	.50		atb
5.66	.35	.50		atb
5.76	.35	.50		atb
6.01	.35	.50		atb
6.26	.35	.50		atb

Station wagons, panel trucks and pickup trucks  
 Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift ops.  
 Three axle equipment and tiremen  
 Four and five axle equipment  
 Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics  
 Specialized earth moving equipment over 35 tons  
 Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.  
 b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

TRUCK DRIVERS - BUILDING CONSTRUCTION

Basic Hourly Rates	FRINGE BENEFITS PAYMENTS			APP. TR.
	H & W	PENSIONS	VACATION	
\$3.97	.24	.35	atb	
4.02	.24	.35	atb	
4.12	.24	.35	atb	
4.22	.24	.35	atb	
4.22	.24	.35	atb	
3.97	.24	.35	atb	

Two axle equipment  
 Three axle equipment  
 Four and five axle equipment  
 Low bed trailer  
 Specialized earth moving equipment other than conventional  
 Helpers on low beds

PAID HOLIDAYS: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.  
 b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

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HEAVY AND HIGHWAY CONSTRUCTION

Basic Hourly Rates	FRINGE BENEFITS PAYMENTS			APP. TR.
	H & W	PENSIONS	VACATION	
\$5.85	.20	.25		.05
6.30	.20	.25		.05
6.35	.20	.25		.05
6.10	.20	.25		.05
6.60	.20	.25		.05

Laborers:

Block Pavers, Rammers, Curb Setters  
 Air Track Operators  
 Hod Carriers, Pneumatic Drill ops.  
 Wagon Drill Operators and Pipelayers  
 Blasters and Powdermen



STATE: Massachusetts  
 COUNTY: Hampden  
 DATE: Date of Publication  
 Supersedes Decision No. AM-9,686 dated March 10, 1972 in 37 FR 5174.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Union
	H & W	Pensions	Vacation		
\$7.60	.34	.15		.01	
7.25	.40	10%		.01	
6.175	.225	.25			
8.60	.45	.40		.02	
7.70	.25	.30			
7.65	.30	.30		.02	
6.50	.25	17+.15		1/2	
8.35	.35	17+.20		.01	
6.80	.20	17+.15		a	
6.50	.17	.185	1/2+1/2	.005	
4.55	.17	.185	1/2+1/2	.005	
3.25					
7.01	.37	.40		.005	
7.41	.20	.85		.07	
6.20	.30	.30		.05	
6.45	.30	.30		.05	
6.45	.30	.30		.05	
7.20	.30	.30		.05	
7.00	.30	.30		.05	
7.50	.30	.30		.05	
6.20	.30	.25		.05	
6.45	.30	.25		.05	
6.45	.30	.25		.05	
7.20	.30	.25		.05	
7.00	.30	.25		.05	
7.60	.45	.25	d		
7.80	.30			.01	

LINE CONSTRUCTION:

Linemen  
 Groundmen, truck driver  
 Groundmen, experienced  
 Groundmen, inexperienced  
 Digger operator; Tractor operator  
 Blaster; Dynamic man  
 MILLWRIGHTS:  
 Holyoke  
 Remainder of County  
 PAINTERS:  
 Brush  
 Spray  
 Swing stage under 40' & steel  
 Swing stage over 40' & steel  
 PILEDRIVERS, WHARF & DOCK BUILDERS  
 PLUMBERS  
 ROOFERS:  
 Composition, damp & waterproofing  
 Slate, Tile, Precast concrete  
 SHEET METAL WORKERS  
 SPRINKLER FITTERS  
 STEAMFITTERS

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. \$.15 per man per week
- b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- c. Paid Holidays: A through F
- d. Paid Holidays: A through F, Washington's Birthday & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
- e. Paid Holidays: A through F, provided the employee has been employed for at least 30 days prior to the holiday and is available for work the day before and after the holiday.
- f. Paid Holiday: Independence Day provided employee has been employed 7 days prior to the holiday for the same employer.
- g. Paid Holiday: Fourth of July

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MASS-8-LAB-2-3-R

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HEAVY AND HIGHWAY CONSTRUCTION

Laborers:  
 Block Pavers, Rammers, Curb Setters  
 Air Track operators  
 Mud carriers, Pneumatic drill ops.  
 Wagon Drill ops. & Pipelayers  
 Blasters and Powdermen

TRUCK DRIVERS-BUILDING CONSTRUCTION

Two axle equipment  
 Three axle equipment  
 Four and five axle equipment  
 Low bed trailer  
 Specialized earth moving equipment  
 other than conventional  
 Helpers on low beds

PAID HOLIDAYS: (Where Applicable)  
 A-New Year's Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
- b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

HEAVY AND HIGHWAY CONSTRUCTION

POSSIBLE EQUIPMENT OPERATORS:

Shovels, crawler and truck cranes, derricks, backhoes, trenching machines, elevating graders, belt-type loaders, gradalls, pile drivers, concrete pavers, on site processing plant (engineer in charge), dragline, clam shell, cableways, shaft hoists, mucking machines and front end loaders 6 yards and over

Rotary drill (with mounted compressor), compressor house (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills), grader, front end loader - 4 yard to 6 yard, scrapers - 21 yards and over (struck load), forklifts over 7 ft. lift or over 3 ton capacity  
 Bulldozer, push cats, scrapers - up to 21 yards (struck load) self-propelled or tractor drawn, self powered asphalt paver, front end loaders - up to 4 yards, mechanics, well driller, pumpcrete machine, engineer or fireman on high pressure boiler (on job), well point operators, electric pumps used in well point system, fireman, pumps 16 inches or over total discharge, compressors (or 2) 900 cu. ft. and over

Asphalt roller  
 Hoists, conveyors, self-powered rollers and compactors, power pavement breaker, self-propelled material spreader, self-powered concrete finishing machine, two bag mixer with skip, McCarthy and similar drills, batch plant (not self-loading), bulk cement, 3 or more welding machines  
 Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), pumps 4" to 16" total discharge, tractor without blade drawing sheeps-foot roller rubber tire roller or other type of compactors including machines for pulverizing and aerating soil  
 Compressors (up to 315 cu. ft.), small mixers with skip, oiler, pumps up to 4", grease truck, power heater, 1 or 2 welding machines, A-frames trucks, forklift up to 7 ft. and up to 3 tons.

FOOTNOTES:

- a. Paid Holidays, New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS		
	H & V	PENSIONS	VACATION
7.30	.25	.40	a
7.10	.25	.40	a
6.90	.25	.40	a
6.60	.25	.40	a
6.25	.25	.40	a
5.95	.25	.40	a
5.40	.25	.40	a

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS		
	H & V	PENSIONS	VACATION
\$5.60	.20	.25	.05
6.30	.20	.25	.05
6.10	.20	.25	.05
5.85	.20	.25	.05
6.35	.20	.25	.05

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BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS		
	H & V	PENSIONS	VACATION
\$3.97	.24	.35	a+b
4.02	.24	.35	a+b
4.12	.24	.35	a+b
4.22	.24	.35	a+b
4.22	.24	.35	a+b
3.97	.24	.35	a+b

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Mass - 2 PEO - J Q

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MASS - 1 - TD - 2-3 - C

TRUCK DRIVERS:  
HEAVY AND HIGHWAY CONSTRUCTION

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			OTHER
	H & V	PENSIONS	VACATION APP. TR.	
\$7.35	.25	.40	a	
7.10	.25	.40	a	
6.90	.25	.40	a	
6.675	.25	.40	a	
6.325	.25	.40	a	
6.05	.25	.40	a	
5.50	.25	.40	a	

Paving Construction  
 Power Equipment Operators:  
 Backhoes, cranes, derricks, draglines,  
 elevating tractors, gradalls, hoists,  
 (3 drum), pavers (concrete road),  
 pile driving rigs, shovels, trench-  
 ing machines, elevator with Chicago  
 boom, front end loaders 6 yds and over,  
 belt-type loaders  
 Drill (rotary-compressor mounted),  
 fork-lifts (15 feet and over), front  
 end loader (4 yds & over), graders,  
 hoists (2 drum), rock and earth  
 boring machines, (not McCarthy or  
 similar), compressor house (3-6 com-  
 pressors) scrapers-21 yds & over  
 (struck load), front end loader-4 yds  
 to 6 yds.  
 Asphalt paver, batch plant (self  
 loading), bulldozer, fireman  
 (high pressure), front end loader,  
 (3/4 yd. to 4 yd.), mechanics,  
 powered grease truck, pumcrete  
 machine, push cats, scrapers, well  
 drillers, well points, concrete  
 pumps, scrapers-up to 21 yds (struck  
 load), firemen, front end loaders -  
 up to 4 yds., pumps-16 in. and over  
 (total discharge), compressors (1 or  
 2), 900 cu. ft. and over electric pumps  
 used in well point system  
 Asphalt roller  
 A frame, batch plant (not self loading),  
 cement plant, compactors, drills  
 (McCarthy & similar), finishing mach.  
 (concrete pavement), fork lifts-to  
 15 ft., front end loader-under 3/4  
 yd., host (single drum), mixers (2 bag  
 with skip), roller (self powered),  
 spreaders  
 Compactors (pulverizing, grading,  
 seeding), compressor (315 cu. ft. &  
 over, 1 or 2), pumps (4 in. & over),  
 rollers (drawing), tractor (w/o blade  
 or bucket)  
 Compressors (to 315 cu. ft.), conveyor  
 mixers (small), oiler, power heater,  
 pumps (to 4 in.) welding mach.

PAID HOLIDAYS (where applicable)  
 A-New Year's Day, B-Memorial Day, C-Independence Day,  
 F-Christmas Day.  
 Footnotes:  
 a. Holidays: A thru F, Veterans' Day, Washington's Birthday, and  
 Columbus Day.

Basic Hourly Rates	Fringe Benefits Payments			Other
	H & V	Pensions	Vacation	
\$5.41	.35	.50	atb	
5.51	.35	.50	atb	
5.56	.35	.50	atb	
5.66	.35	.50	atb	
5.76	.35	.50	atb	
6.01	.35	.50	atb	
6.26	.35	.50	atb	

Station wagons, panel trucks and pick-  
 up trucks  
 Two axle equipment; helpers on low bed  
 when assigned at the discretion of the  
 employer, warehousemen, forklift opers.  
 Three axle equipment and tiremen  
 Four and five axle equipment  
 Specialized earth moving equipment  
 under 35 tons other than conventional  
 type trucks, low bed, vachaul,  
 mechanics, paving restoration equip-  
 ment, Mechanics  
 Specialized earth moving equipment  
 over 35 tons  
 Trailers for earth moving equipment,  
 (double hookup)

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.  
 FOOTNOTES:  
 a. One half day's pay each month in  
 which an employee has worked 15  
 days provided he has been employed  
 for 4 months.  
 b. Holidays: A through F, Washington's  
 Birthday, Columbus Day and Veteran's  
 Day after 30 days employment pro-  
 vided an employee works two days  
 of the calendar week in which the  
 holiday falls.

SUPERSEDES DECISION

STATE: Massachusetts  
 COUNTY: Middlesex  
 DATE: Date of Publication  
 SUPERSEDES Decision No. AM-9,687 dated March 10, 1972 in 37 FR 5181.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, & marine construction.

JOB TITLE	S.M.A.S.S.-1-2 (1-3)			
	Basic Hourly Rates	H & W	Pensions	Vacation
BUILDING, HEAVY & HIGHWAY CONSTRUCTION				
TOWNSHIPS OF: Arlington, Bedford, Cambridge, Concord, Everett, Lexington, Lincoln, Malden, Medford, Melrose, Waltham, Weston, & Woburn				
ASBESTOS WORKERS	8.505	.50	.40	.01
BOLTFORMERS	7.25	.40	10%	.01
BRICKLAYERS; Stonemasons:				
Arlington, Cambridge, Everett, Malden, Medford, & Melrose	8.45	.50	.50	.04
Bedford	8.45	.50	.50	.04
Concord, Lexington, Lincoln, Waltham, Weston, & Woburn	8.40	.20	.15	.04
CARPENTERS; Soft floor layers	8.20	.30	.30	.01
CEMENT MASONS:				
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Woburn	8.90	.35	.20	.04
Bedford	6.25	.25		
Concord, Lexington, Lincoln, Waltham, & Weston	8.40	.20	.15	.04
ELECTRICIANS:				
Arlington, Cambridge, Concord, Everett, Lexington, Lincoln, Malden, Medford, Melrose, Waltham, Weston, & Woburn	8.60	.35	1%+.95	.015
Bedford	7.85	.25	1%+.20	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.54	.17	.185	.005
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.28	.17	.185	.005
GLAZIERS	3.77	.25	.16	.02
IRONWORKERS	8.35	.45	.85	.02
LABORERS (Building):				
Arlington, Cambridge, Concord, Everett, Lexington, Lincoln, Malden, Medford, Melrose, Waltham, Weston, & Woburn	6.10	.20	.25	.05
Labors				
Jackhammer; Pavement breaker; Wagon drill operators; Asphalt raker; Stone spreader & raker; Diamond head & carbide core drilling machine; Barco tamper operator	6.35	.20	.25	.05
Blasters; Powdermen	6.60	.20	.25	.05
Plasterers' tenders	6.30	.20	.25	.05
Building wrecking:				
Labors	6.03	.20	.25	.05
Admen; Burners; Jackhammers	6.20	.20	.25	.05
Open air caisson; Cylindrical work & boring crew:				
Bottom men	6.10	.20	.25	.05
Top men	5.35	.20	.25	.05
Test boring leaders	5.76	.20	.25	.05
Test boring helpers	5.47	.20	.25	.05

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 S.M.A.S.S.-1-2 (2-3)

JOB TITLE	S.M.A.S.S.-1-2 (2-3)			
	Basic Hourly Rates	H & W	Pensions	Vacation
LABORERS (Building):				
Bedford	\$6.10	.20	.25	.05
Labors, common				
Jackhammers; Pavement breakers; Wagon drill; Asphalt rakers; Stone spreaders, Diamond head & carbide core drilling machines; Mechanical tamper	6.35	.20	.25	.05
Blaster & Powdermen	6.60	.20	.25	.05
LATHERS:				
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Woburn	7.15	.45	.55	.01
Bedford, Concord, Lexington, Lincoln, Waltham, Weston	7.15	.45	.50	.01
LEADWORKERS	7.80	.30		.01
LINE CONSTRUCTION:				
Linemen	7.03		1%	d
Equipment operators	6.27		1%	d
Groundmen	4.57		1%	d
Cableman	6.19		1%	d
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50	
MARBLE SETTERS' HELPERS	6.50	.20	.10	
MILLRIGHTS	8.50	.30	.30	
PAINTERS:				
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Woburn	7.61	.32	.30	.04
Brush; Tapers	8.61	.32	.30	.04
Spray; Sandblasting	7.61+e	.32	.30	.04
Steel				
Bedford	6.55	.15	.20	
Brush	7.30	.15	.20	
Spray				
Concord, Lexington, Lincoln, Waltham, Weston	7.00	.35	.25	
Brush	7.95	.35	.25	
Spray; Sandblasting	7.25	.35	.25	
Steel	8.30	.30	.30	
FILEDRIVERS				
PLASTERERS:				
Arlington, Cambridge, Everett, Malden, Medford, Woburn	7.45	.65	.25	.02
Bedford	6.25	.25		
Concord, Lexington, Lincoln, Waltham, Weston	8.40	.20	.15	.04
PLUMBERS:				
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Woburn	9.05	.30	.60	.03
Bedford	8.10	.40	.40	.02
Concord, Lexington, Lincoln, Waltham, & Weston	8.675	.35	.40	.025
ROOFERS	8.00	.30	.20	
SHEET METAL WORKERS	8.43	.36	.35	.02

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9-MASS-1-2 (3-3)

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS	\$8.00	.25	.40		.05
STEAMFITTERS: Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Woburn Bedford	9.26 8.10	.36 .40	.30 .40		.05 .02
TERRAZZO WORKERS' HELPERS Concord, Lexington, Lincoln, Waltham, & Weston	8.675 7.40	.35 .20	.40 .10		.025
TILE SETTERS	8.20	.20	.25		
TILE SETTERS' HELPERS	6.50	.20	.10		
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
FOOTNOTES: a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit. b. 6 paid holidays: A through F c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked 43 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding the following holiday. d. 6 paid holidays: A through F, & Banker Hill Day, provided the employee has been employed 10 working days prior to anyone of the listed holidays e. Employer pays \$5.00 per day extra above the trash rate.					

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MASS-1-TD-1 -A

TRUCK DRIVERS-BUILDING CONSTRUCTION	FRINGE BENEFITS PAYMENTS				
	BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.
Two axle equipment	\$3.97	.24	.35	atb	
Three axle equipment	4.02	.24	.35	atb	
Four and five axle equipment	4.12	.24	.35	atb	
Low bed trailer	4.22	.24	.35	atb	
Specialized earth moving equipment other than conventional	4.22	.24	.35	atb	
Helpers on low beds	3.97	.24	.35	atb	

PAID HOLIDAYS: (Where Applicable)  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:  
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.  
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

HEAVY AND HIGHWAY CONSTRUCTION

LABORERS	FRINGE BENEFITS PAYMENTS				
	BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.
Block Pavers, Removers, Curb Setters	\$5.85	.20	.25		.05
Air Track Operators	6.30	.20	.25		.05
Mod Carriers, Pneumatic Drill Ops.	6.35	.20	.25		.05
Wagon Drill Operators and Firelayers	6.10	.20	.25		.05
Munsters and Powdermen	6.60	.20	.25		.05

LABORERS:  
Block Pavers, Removers, Curb Setters  
Air Track Operators  
Mod Carriers, Pneumatic Drill Ops.  
Wagon Drill Operators and Firelayers  
Munsters and Powdermen

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AP-416 P. 5

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

MASS - 1 - TD - 2-3 - C

TRUCK DRIVERS:  
HEAVY AND HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
\$5.41	.35	.50	a+b	
5.51	.35	.50	a+b	
5.56	.35	.50	a+b	
5.66	.35	.50	a+b	
5.76	.35	.50	a+b	
6.01	.35	.50	a+b	
6.26	.35	.50	a+b	

Station wagons, panel trucks and pickup trucks  
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators, Three axle equipment and tiremen  
Four and five axle equipment  
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics  
Specialized earth moving equipment over 35 tons  
Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:  
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.  
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-FO-1-3-3-B

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
\$8.16	.40	.40	a	.02
8.04	.40	.40	a	.02
6.725	.40	.40	a	.02
7.41	.40	.40	a	.02
5.85	.40	.40	a	.02
6.23	.40	.40	a	.02

Toker Equipment Operators:  
Shovels, cranes, truck cranes, draglines, trench hoers, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel descers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, dkc loaders, rucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways  
Boom over 150' including jib - additional \$.35 per hour  
Boom over 185' including jib - additional \$.70 per hour  
Boom over 210' including jib - additional \$1.00 per hour  
Boom over 250' including jib - additional \$1.50 per hour  
Boom over 295' including jib - additional \$2.00 per hour  
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bullozers, mulching machines, yerk rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof  
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonpulsometers, concrete mixers, valves, controlling, permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump  
Assistant engineers (firemen)  
Oilers and apprentices (other than truck cranes and gradalls)  
Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.  
Footnotes:  
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day; Patriots Day.

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MACHINE CONSTRUCTION

37-MASS-4.0

Description	EFFECTIVE RATES PER HOUR				
	Hourly Rate	M&E	Per Hour	Week	Over
Power Equipment Operators: Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	\$8.16	.40	.40	a	.02
Booms over 150' including jib - additional \$ .35 per hour					
Booms over 185' including jib - additional \$ .70 per hour					
Booms over 210' including jib - additional \$1.00 per hour					
Booms over 250' including jib - additional \$1.50 per hour					
Booms over 295' including jib - additional \$2.00 per hour					
Swinger engine	8.11	.40	.40	a	.02
Sonic or vibratory hammer, yolk rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper	8.04	.40	.40	a	.02
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenance), concrete mixer with side loader	8.04	.40	.40	a	.02
Assistant engineer (fireman)	7.43	.40	.40	a	.02
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, super (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, siphon pulsometer, concrete mixer, conveyor	6.725	.40	.40	e	.02
Oiler (other than truck crane and gradall)	5.85	.40	.40	a	.02
Oiler on scow	6.625	.40	.40	a	.02
Oiler on truck crane and gradall	6.23	.40	.40	a	.02

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

AP-417 P. 2

SUPERSEDES DECISION  
 COUNTY: Suffolk  
 DATE: Date of Publication

Supersedes Decision No. AP-9,688 dated March 10, 1972 in 37 FR 5177.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction & dredging.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	13-MAS-1-2-3-d (1-2)				
	Basic Hourly Rates	H & W	Pensions	Vacation	Other
ASBESTOS WORKERS	88.505	.50	.40		.01
BOILERMAKERS	7.25	.40	10%		.01
BRICKLAYERS; Stonemasons	8.45	.50	.50		.04
CARPENTERS; Soft floor layers	8.20	.30	.30		.01
CEMENT MASONS	8.90	.35	.20		.04
ELECTRICIANS	8.60	.35	1%-.95		.015
ELEVATOR CONSTRUCTORS	7.54	.17	.185	2%+e+b	.005
ELEVATOR CONSTRUCTORS' HELPERS	5.28	.17	.185	2%+e+b	.005
ELEVATOR CONSTRUCTORS' HELPERS (TROB.)	3.77				
GLAZIERS	8.35	.25	.16		.02
IRONWORKERS:					
Ornamental; Reinforcing; Structural	7.89	.45	.85		.02
LABORERS:					
Building:					
Laborers; Mason tenders	6.10	.20	.25		.05
Asphalt takers; Pneumatic, gas, electric tool operators; Diamond head & caride core drilling machines; Stone takers & spreaders; Wagon drill	6.35	.20	.25		.05
Blasters & powdermen	6.60	.20	.25		.05
Plasterers' tenders	6.30	.20	.25		.05
Wreckers:					
Adzmen; Burners; Pneumatic, gas, electric tool operator	6.20	.20	.25		.05
Laborers	6.03	.20	.25		.05
Open air caisson, Cylindrical work & boring crew:					
Bottom men	6.85	.20	.25		.05
Top men	6.10	.20	.25		.05
Test boring leader	6.51	.20	.25		.05
Test boring helper	6.22	.20	.25		.05
LATHERS	7.15	.45	.55		.01
LEADWORKERS	7.80	.30		c	.01
LINE CONSTRUCTION:					
Linemmen	7.03		1%	d	.04
Equipment operators	6.27		1%	d	.04
Groundmen-truck driver	4.78		1%	d	.04
Cableman	6.19		1%	d	.04
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50		.01
MARBLE SETTERS' HELPERS	6.50	.20	.10		.01
MILLWRIGHTS	8.50	.30	.30		.01
PAINTERS:					
Brush	7.61	.32	.30		.04
Structural steel	7.64	.32	.30		.04
Spray	8.61	.32	.30		.04
FILERS/WIREMEN	8.30	.30	.30		.02
PLASTERERS	7.45	.65	.25		.02

	13-ESS-2-3-d (2-2)				
	Basic Hourly Rates	H & W	Pensions	Vacation	Other
PLUMBERS	9.05	.30	.60		.03
ROOFERS; Waterproofers	8.00	.30	.20		.02
SHEET METAL WORKERS	8.43	.36	.35		.02
SPRINKLER FITTERS	8.38	.20	.30		.02
STEAMFITTERS	9.26	.36	.30		.05
TERRAZZO WORKERS' HELPERS	7.40	.20	.10		
TILE SETTERS	8.20	.20	.25		
TILE SETTERS' HELPERS	6.50	.20	.10		
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; L-Thanksgiving Day; F-Christmas Day					
FOOTNOTES:					
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.					
b. Paid Holidays: A through F.					
c. Paid Holidays: A through F, Washington's Birthday & Good Friday providing the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.					
d. Paid Holidays: A through F, and Booker Hill Day, provided the employee has been employed 10 working days prior to anyone of the listed holidays.					
e. Employer pays \$5.00 per day extra above the brush rate.					

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MASS - 1 - TD - 2-3 C

TRUCK DRIVERS - BUILDING CONSTRUCTION  
HEAVY AND HIGHWAY CONSTRUCTION

MASS-1-TD-1 -A 1 of 1

TRUCK DRIVERS - BUILDING CONSTRUCTION  
HEAVY AND HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.41	.35	.50	a+b	
5.51	.35	.50	a+b	
5.56	.35	.50	a+b	
5.66	.35	.50	a+b	
5.76	.35	.50	a+b	
6.01	.35	.50	a+b	
6.26	.35	.50	a+b	

Station wagons, panel trucks and pickup trucks  
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators, Three axle equipment and tiremen  
Four and five axle equipment  
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics  
Specialized earth moving equipment over 35 tons  
Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:  
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.  
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			APP. TR.
	H & W	PENSIONS	VACATION	
\$3.97	.24	.35	a+b	
4.02	.24	.35	a+b	
4.12	.24	.35	a+b	
4.22	.24	.35	a+b	
4.22	.24	.35	a+b	
3.97	.24	.35	a+b	

Two axle equipment  
Three axle equipment  
Four and five axle equipment  
Low bed trailer  
Specialized earth moving equipment other than conventional  
Helpers on low beds

PAID HOLIDAYS: (Where Applicable)  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:  
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.  
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-TD-2-3-G

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			APP. TR.
	H & W	PENSIONS	VACATION	
\$5.85	.20	.25		.05
6.30	.20	.25		.05
6.35	.20	.25		.05
6.10	.20	.25		.05
6.60	.20	.25		.05

HEAVY AND HIGHWAY CONSTRUCTION

Laborers:  
Laborers  
Block Favers, Rammers, Curb Setters  
Air Track operators  
Road Carriers, Pneumatic Drill ops.  
Wagon Drill Operators and Pipelayers  
Blasters and Powdermen

AP-417 P. 5

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

MASS.-1-PEO-1-2-3-B

Description	FRINGE BENEFITS PAYMENTS			Grade
	H.R.W.	Vacation	Sick Pay	
Power Equipment Operators:				
Shovels, cranes, truck cranes, draglines, trench hoists, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	\$8.16	.40	a	.02
Boom over 150' including jib - additional \$.35 per hour				
Boom over 185' including jib - additional \$.70 per hour				
Boom over 210' including jib - additional \$1.00 per hour				
Boom over 250' including jib - additional \$1.50 per hour				
Boom over 295' including jib - additional \$2.00 per hour				
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, yolk rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof	8.04	.40	a	.02
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphon/pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump Assistant engineers (firemen)	6.725	.40	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	7.41	.40	a	.02
Oilers and apprentices on truck cranes and gradalls	5.85	.40	a	.02
	6.23	.40	a	.02

AP-417 P. 6

MARINE CONSTRUCTION

37-MASS-4 0

Description	FRINGE BENEFITS PAYMENTS			Grade
	H.R.W.	Vacation	Sick Pay	
Power Equipment Operators:				
Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	\$8.16	.40	a	.02
Booms over 150' including jib - additional \$.35 per hour				
Booms over 185' including jib - additional \$.70 per hour				
Booms over 210' including jib - additional \$1.00 per hour				
Booms over 250' including jib - additional \$1.50 per hour				
Booms over 295' including jib - additional \$2.00 per hour				
Swinger engine	8.11	.40	a	.02
Sonic or vibratory hammer, yolk rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper	8.04	.40	a	.02
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenance), concrete mixer with side loader	8.04	.40	a	.02
Assistant engineer (fireman)	7.41	.40	a	.02
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon pulsometer, concrete mixer, conveyor	6.725	.40	a	.02
Oiler (other than truck crane and gradall)	5.85	.40	a	.02
Oiler on scow	6.625	.40	a	.02
Oiler on truck crane and gradall	6.23	.40	a	.02

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; E-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F: Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

AP-417 P. 7

Electric

DUTY DESCRIPTION	FRINGE BENEFITS PAYMENTS				
	BASIC HOURLY RATES	H.A.E.	PENSIONS	VACATION	APP. TR. OTHR.
Dredge operator	\$5.925	.25	.25	ctd	
Patrol	4.05	.742	.197	ctd	
Scowman	3.31	.742	.161	ctd	
Deckhand	3.36	.742	.163	ctd	
Eng. Engineer	4.10	.742	.197	ctd	
<u>Hydraulic Professor</u>					
Loverson	5.47	.25	.15	a+5%	
Engineer and derrick operators	5.40	.25	.15	a+5%	
Maintenance Engineer	5.29	.25	.15	a+5%	
Dredge carpenter, electricians, blacksmith, welders & boilerman	5.17	.25	.15	a+5%	
Wates	4.80	.25	.15	a+5%	
Oiler, Fireman, carpenter's helper, welder's helper & blacksmith helper	4.24	.25	.15	a+5%	
Deckhands and shoreman	4.00	.25	.15	a+5%	
Eng engineer	4.85	.25	.15	a+5%	
Two Deckhand	4.06	.25	.15	a+5%	
<u>Drill Boats</u>					
Engineer	6.3475	.25	.15	b	
Blasbr	6.4375	.25	.15	b	
Driller; Welder; Mechanist	6.34875	.25	.15	b	
Fireman	6.0975	.25	.15	b	
Oiler	5.97	.25	.15	b	
Drill helper	5.57	.25	.15	b	
<b>PAID HOLIDAYS:</b>					
A-New Year's Day; B-Memorial Day;					
C-Independence Day; D-Labor Day;					
E-Thanksgiving Day; F-Christmas Day.					
<u>FOUR DAYS:</u>					
a. Holidays: A through F; Washington's Birthday and Veterans Day.					
b. Holidays: A through F; Washington's Birthday and Veterans Day (6 1/2) days of vacation with pay for 16 1/2 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation will pay for each full 26 days of service in one calendar year.					
c. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Christmas Day.					
d. One week's vacation after one year of employment.					

AP-418 P. 2  
 14-MSS-1-2-3-W (2-3)  
 SUPERSEDES DECISION  
 COUNTY: Worcester  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. AP-418 dated March 10, 1972 in 37 FR 5179.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.  
 BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pensions	Vacation		
\$6.03	.20	.25		.05	
6.20	.20	.25		.05	
7.82	.40	.10		.01	
7.80	.30		c	.01	
7.03		1%	d		
6.19		1%	d		
6.27		1%	d		
4.78		1%	d		
4.57		1%	d		
6.56		1%	d		
4.92		1%	d		
7.65	.50	.50			
6.50	.20	.10			
8.50	.30	.30		.01	
8.30	.40	.30		.01	
8.25	.50	.30		.07	
6.80					
7.05					
7.00					
7.48	.50	.25			
8.48	.50	.25			
8.105	.50	.25			
7.00	.35	.25			
7.25	.35	.25			
7.95	.35	.25			
8.30	.30	.30		.025	
8.75	.35	.25			
8.725	.40	.20		.05	
7.41	.30	.20	4%	.02	

LABORERS (Building) Cont'd:  
 Building wreckers:  
 Laborers  
 Adamsen, Burners, Jackhammer  
 LATHERS  
 LEADWORKERS  
 LINE CONSTRUCTION:  
 Lineman  
 Cableman  
 Equipment operator  
 Driver groundman  
 Groundman  
 Blasting specialist  
 Power equipment operator  
 MARBLE SETTERS; Terrazzo workers:  
 Fitchburg, Harvard, Lancaster, &  
 Leominster  
 MARBLE SETTERS' HELPERS  
 MILLWRIGHTS:  
 Fitchburg, Harvard, & Leominster  
 Grafton, Holden, Lancaster, Leicester,  
 Millbury, North Grafton, Shrewsbury,  
 Southbridge, Whitinsville, &  
 Worcester  
 PAINTERS:  
 Fitchburg, Harvard, Lancaster, &  
 Leominster  
 Brush; Taping  
 Boatwain chairs; Structural steel  
 Spray  
 Grafton, Holden, Leicester, Millbury,  
 North Grafton, Shrewsbury,  
 Southbridge, Whitinsville, &  
 Worcester  
 Brush  
 Spray  
 Steel  
 Westboro  
 Brush  
 Steel  
 Spray  
 PIPEDRIVERS  
 PIPEFITTERS  
 PLUMBERS; Steamfitters:  
 Grafton, Holden, Leicester, Millbury,  
 North Grafton, Shrewsbury,  
 Southbridge, Westboro, Whitinsville,  
 & Worcester  
 Fitchburg, Harvard, Lancaster, &  
 Leominster

AP-418 P. 2  
 14-MSS-1-2-3-W (1-3)  
 SUPERSEDES DECISION  
 COUNTY: Worcester  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. AP-418 dated March 10, 1972 in 37 FR 5179.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.  
 BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pensions	Vacation		
\$7.87	.47	.20		.01	
7.25	.40	10%		.01	
8.20	.30	.20			
8.30	.45	.40		.02	
8.20	.30	.30		.01	
8.10	.40	.30		.01	
7.95	.50	.30		.07	
7.70	.35	17+.25		.005	
7.80	5%	17+.15		.01	
7.935	.195	.20	2%+a+b	.005	
5.55	.195	.20	2%+a+b	.005	
3.97					
7.15	.17	.16			
7.62	.45	.85		.02	
6.10	.20	.25		.05	
6.35	.20	.25		.05	
6.60	.20	.25		.05	
6.85	.20	.25		.05	
6.10	.20	.25		.05	
7.25	.20	.25		.05	

TOWNSHIPS OF: Fitchburg, Grafton, Harvard, Holden, Lancaster, Leicester, Leominster, Millbury, N. Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester  
 ASBESTOS WORKERS  
 BOLLERMAKERS  
 BRICKLAYERS; Cement finishers;  
 Plasterers; Stonemasons; & Tile setters:  
 Harvard, Lancaster, Fitchburg, & Leominster  
 BRICKLAYERS; Cement masons; Marble setters; Plasterers; Stonemasons; Terrazzo workers; & Tile setters:  
 Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester  
 CARPENTERS; Soft floor layers:  
 Fitchburg, Harvard, & Leominster  
 Grafton, Holden, Lancaster, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Whitinsville, Worcester  
 Westboro  
 ELECTRICIANS:  
 Fitchburg, Harvard, Lancaster, & Leominster  
 Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester  
 ELEVATOR CONSTRUCTORS  
 ELEVATOR CONSTRUCTORS' HELPERS  
 ELEVATOR CONSTRUCTORS' HELPERS (PROB.)  
 GLAZIERS  
 IRONWORKERS:  
 Ornamental; Reinforcing; & Structural  
 LABORERS (Building):  
 Laborers  
 Jackhammer operators; Pavement breakers; Wagon drills; Asphalt rakers; Stone spreaders; Mechanical tampers; Diamond head; & Carbide core drills  
 Blasters and powdermen  
 Open air caisson, Cylindrical work & boring crew:  
 Bottom man  
 Top man  
 Leader

AP-418 P. 3

AP-418 P. 4

MASS-1-2-3-4

1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION

FRINGE BENEFITS PAYMENTS

BASIC HOURLY RATES

Job Title	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
ROOFERS; Dump-proofers	\$8.50					
SHEET METAL WORKERS	7.55	.35	.25	.05		
SPRINKLER FITTERS	8.00	.25	.40	.05		
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS' HELPERS	6.50	.20	.10			

Job Title	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Other
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:  
 a. Employer contributes 4% of basic hourly rate for 5 years or more service or 2% of basic hourly rate for 6 months to 4 years of service as vacation pay credit.  
 b. Paid Holidays: A through F.  
 c. Paid Holidays: A through F, Washington's Birthday, & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding & following the holiday.  
 d. Paid Holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holiday.

FOOTNOTES:  
 a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.  
 b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

PAID HOLIDAYS: (Where Applicable)  
 A-New Year's Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

PAID HOLIDAYS: (Where Applicable)  
 A-New Year's Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

AP-418 P. 6

AP-618 P. 5

MASS - 1 - TD - 2-3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Power Equipment Operators:

Shovels, cranes, truck cranes, draglines, trench hoers, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machinds, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, dke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cable-ways

\$8.16

.40

.40

a

.02

Boom over 150' including jib - additional \$.35 per hour  
 Boom over 185' including jib - additional \$.70 per hour  
 Boom over 210' including jib - additional \$1.00 per hour  
 Boom over 250' including jib - additional \$1.50 per hour  
 Boom over 295' including jib - additional \$2.00 per hour

Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, rock rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof

8.04

.40

.40

a

.02

Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonpulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors Jackson type tamper single diaphragm pump Assistant engineers (firemen)

6.725

.40

.40

a

.02

7.41

.40

.40

a

.02

5.85

.40

.40

a

.02

6.23

.40

.40

a

.02

Officers and apprentices (other than truck cranes and gradalls)

Officers and apprentices on truck cranes and gradalls

Paid Holidays:

A-New Years' Day; B-Memorial Day; C-Independence Day;

D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Holidays: A through F: Washington's Birthday;

Columbus Day and Veterans Day;

Patriots Day.

MASS - 1 - TD - 2-3

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

Station wagons, panel trucks and pickup trucks  
 Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift ops.  
 Three axle equipment and tiremen  
 Four and five axle equipment  
 Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics  
 Specialized earth moving equipment over 35 tons  
 Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.  
 b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-IAB-2-3-G

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS		
	F&W	FENSIONS VACATION	APP. TR.
\$5.85	.20	.25	.05
6.30	.20	.25	.05
6.35	.20	.25	.05
6.10	.20	.25	.05
6.60	.20	.25	.05

HEAVY AND HIGHWAY CONSTRUCTION

Laborers:  
 Laborers  
 Block Pavers, Rammers, Curb Setters  
 Air Track operators  
 Mud Carriers, Pneumatic Drill ops.  
 Wagon Drill Operators and Pipelayers  
 Blasters and Powdermen.

AP-505 F. 2  
11-7-73 - 1-2 (2-3)

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY.  
BUILDING - ST. CHARLES COUNTY

COUNTIES: St. Louis and St. Charles

DECISION NO.: AP-505  
Supersedes Decision No. AM-3-617, dated August 25, 1971, in 36 FR 16869  
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy & highway construction.

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY.

BUILDING - ST. CHARLES COUNTY

Asbestos workers:  
Asbestos workers  
Swing stage or bosun's chair  
Asbestos workers requiring spray in application  
Boilermakers  
Bricklayers  
Carpenters:  
Carpenters; Millwrights; Piledriver  
Carpenters (St. Charles Co., Only)  
Contracts under \$100,000  
Contracts \$100,000 or more  
Carpet, linoleum  
Cement masons  
Electricians:  
Electricians  
Elevator constructors  
Elevator constructors helpers  
Elevator constructors helpers (Prob.)  
Glaziers  
Ironworkers:  
Structural; ornamental; reinforcing  
Laborers:  
Unskilled  
Wrecking  
Plasterers tenders  
Plumbers laborers  
Mason tenders (hod carriers)  
Dynamiter or powderman  
Lathers  
Marble masons  
Marble setters helpers  
Painters:  
Painters  
Brush (within St. Charles City limits only)  
Pipefitters  
Plasterers  
Plumbers  
Roofers:  
Composition

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS (1-3)			APP. TR.
	H & W	PENSIONS	VACATION	
\$8.53	.20	.17	i	
8.78	.20	.17	i	
8.78	.20	.17	i	.02
8.40	.30	1.00		
6.25	.52	.70	5%	
8.21	.25	.30		
6.95	.25	.30		
8.21	.25	.30		
5.125	.13	.25		.04
7.70	.60	.40		
7.37	5%	12% + 3%	11% + 4 3/4%	1%
8.10	.195	.20	24-b+c	
702JR	.195	.20	24-b+c	
502JR	j	.40	8% + k	.01
7.46		.40		
7.975	.40	.50		
7.025	.30	.50		.02
6.90	.30	.50		.02
7.025	.30	.30		
7.10	.30	.30		
6.45	.30	.50		.02
7.525	.30	.50		.01
8.00		.45		
7.19	.17	.45		
6.68				
6.83	.42	.30	.21	
4.60		.60		.03
7.05	3.675			
7.90	.225			
7.505	.40	.40	.80h	
6.85	.27	.30		.03

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY.  
BUILDING - ST. CHARLES COUNTY

Roofers: (cont'd)

Kettlemen  
Slate and tile  
Sandblasters and Building cleaners  
Sheet metal workers  
Sprinkler fitters  
Stone derrickman  
Stone masons

Terrazzo workers  
Terrazzo workers helpers: Floor machine operator

Terrazzo base machine operator

Tile setters

Tile setters helpers

Truck Drivers:

Truck or trailers of a water level capacity of 11.99 cu yds. or less, fork lift trucks, job site ambulances & pick-up trucks & flat bed trucks  
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds., incl. euclids, speedee & similar equipment of same capacity

Truck or trailers of a water level capacity of 22.0 cu. yds. & over incl. euclids, speedee & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

HEAVY & HIGHWAY CONSTRUCTION:  
(St. Charles County ONLY)

Carpenters, millwrights, pile-drivers

Holders-receive rate prescribed for craft performing operation to which welding is incidental.

AP-505 P. 4 II-MO-PEO-1-2-2-1 (1-4)	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation / App. Tr.	Others
\$8.02	.35	.40			

**BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY**  
**POWER EQUIPMENT OPERATORS**

Group I  
 Buckhoe; cabloway; crane, crawler or truck; Crane, Hydraulic-truck or cruiser mounted - 16 tons & over; Crane, locomotive; derrick, steam; Derrick car & derrick boat; Dragline; Dredge; Gradall, crawler or tire mounted; Locomotive, gas, steam & other powers; Pile driver, land or floating; Scoop, skimmer; Shovel; power (steam, gas, electric or other powers) Switch boat; Whirley

Group II  
 Air tugger w/air compressor; Anchor placing barge; Asphalt spreader; Athey force feed loader (self-propelled); Backfilling machine; Boat operator - push boat or tow boat (job site); Boiler, high pressure breaking in period; boom truck, placing or erecting; Boring machine footing foundation; Bulling float; Cherry picker; Combination concrete hoist & mixer such as mixermobile; Compressors, two, not more than 20 ft. apart; Compressors, not more than five feet apart; Compressor-welder combination; Concrete breaker (truck or tractor mounted); Concrete pump, such as a pumpcrete machine; Concrete spreader; Conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane hydraulic - rough terrain, self-propelled; Crane hydraulic - truck or cruiser mounted-under 16 tons; Drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and Barco equipment - no engineer required); Elevating grader; Engine man, dredge; Excavator or powerbelt machine; Finishing machine, self-propelled oscillating screed; Forklift; Grader, road with power blade; Highlift; Hoist, concrete and brick

**BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY.**  
**BUILDING - ST. CHARLES COUNTY**

**FOOTNOTES:**

- a - Includes 4% Holiday Fund.
- b - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
- c - Paid Holidays: (A; C; D; E; H; J)
- e - Employer contribution of \$12.50 per week.
- f - Employer contribution of \$12.00 per week.
- g - Paid Holidays: (A; C; D; E; G; H; I; J)
- h - Includes .30 Holiday Fund.
- i - Paid Holidays: (A; C; D; E; G; H; J)
- j - Employer contribution of \$52.11 per month.
- k - Paid Holidays: (A through J)
- m - Paid vacation of 3 days for 600 hours of service in any one contract year; 4 days paid vacation for 800 hours of service in any one contract year; 5 days paid vacation for 1,000 hours of service in any one contract year.

**PAID HOLIDAYS:**

- (A) New Year's Day; (B) Washington's Birthday; (C) Memorial Day; (D) Independence Day; (E) Labor Day; (F) Columbus Day; (G) Veterans Day; (H) Thanksgiving Day; (I) Friday after Thanksgiving; (J) Christmas Day



Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Te.	
\$ 8.02	.35		.40		

POWER EQUIPMENT OPERATORS (CONT'D)

Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane.

Mud jack (where mud jack is used in conjunction with an air compressor operator)

Work in tunnel or tunnel shaft, 25¢ above base rate

HEAVY & HIGHWAY CONSTRUCTION

ST. CHARLES COUNTY

NO. 1-TD-2,3

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Te.	
\$8.10					
8.25					
8.10					
8.10					
8.10					
8.25					
8.32					
8.32					
8.32					
8.21					
8.10					
8.32					
8.25					
8.32					
8.32					
8.00					

TRUCK DRIVERS

Flat bed trucks - single axle  
 Flat bed trucks - tandem axle  
 Station wagons  
 Pickup trucks  
 Material trucks - single axle  
 Material trucks - tandem axle  
 Semi end/over pole trailers  
 Winch, fork and steel trucks  
 Distributor drivers and operators  
 Agitator and transit mix trucks  
 Tank wagon - single axle  
 Tank wagon - semi-trailer  
 Tank wagon - tandem axle  
 Insley wagons, dumpsters, half-trucks, speedace, euclids, and other similar equipment  
 A-frame and derrick trucks  
 Float or low boy  
 Warehouseman

Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				Other
	H & W	Pensions	Vacation	App. Te.	
7.50	.35	.40			.02

POWER EQUIPMENT OPERATORS:

Group 1  
 Asphalt finishing machine & trench widening spreader; Asphalt plant console operator; Autograder; Automatic slipform paver; Packerhoe; Blade operator-all types; Load mix concrete plant operator; Clean-shell operator; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dozer operator; Dragline operator; Dredge booster pump; Dredge engine-man; Dredge operator; Drill cat with compressor mounted on Cat; Drilling or boring machine rotary self-propelled; Highloader; Hoisting engine - 2 active drums; Launching wheel; Locomotive operator-standard gauge; Mechanics and welders; Mucking machine; Piledriver operator; Pylon crane operator; Push cat operator; Quad Trac; Scoop operator - all types; Shovel operator; Sideboom cast; Skipper scoop operator; Trenching machine operator; Truck crane.

Group 2

Asphalt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt plant man; Asphalt plant mixer operator; Asphalt roller operator; Backfiller operator; Bar-bar-Creene loader; Boat operator (bridges & dams); Chip spreader; Compressor maintenance operator - 2; Concrete mixer operator-skip loader; Concrete plant operator; Concrete pump operator; Crusher operator; Dredge oiler; Elevating grader operator; Fork lift; Greaser-fleet; Hoisting engine - 1; Locomotive operator-narrow gauge; Multiple compactor; Pavement breaker; Power-broom - self-propelled; Power shield; Rooter; Side discharge concrete spreader; Slip form finishing machine; Steamroller machine; Throttle man; Tractor operator (over 50

POWER EQUIPMENT OPERATORS (CONT'D)

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				OTHERS
	H & W	FED TAXES	VACATION	APP. TR.	
7.30	.35	.40		.02	

H.P.); welding machine maintenance operator - 2; Winch truck

Group 3  
 Electric - 1; Chip spreader front man; Charm drill oper.; Cef plane operator; Compressor maintenance oper. - 1; Concrete saw operator (self-propelled); Conveyor operator; Curb finishing machine; Distributor operator; Finishing machine operator; Fireman-rif; Flex plane operator; Float operator; Form grader operator; Generator maintenance operator; Light plant maintenance operator; Maintenance operator; Oiler driver; P mill operator; Pump maintenance oper. (other than dredge); Roller operator, other than high type asphalt; Scrubbing & washing plant oper.; Station & safe saw-feeding machine operator; Spreader box operator, self-propelled (not asphalt); Tank car heater operator (combination boiler & booster); Tractor operator (50 H.P. or less); Ulase, Ulric or similar spreaders; Vibrating machine oper., not hand; Welding machine maintenance oper. - 1

Group IV  
 Oiler

Trucks, 3 yd. capacity or over; Cranes, rigs or piledrivers 100 ft. of boom or over (including jib); Irrigates, 3 yds. capacity or over; Hoisting engine over 2 drums; Shovels, 3 yds. capacity or over

Cranes, rigs or piledrivers 200 ft. or over

Tandem scoop operator

Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50¢ per hour above basic rate.

ST. CHARLES COUNTY  
 HEAVY & HIGHWAY CONSTRUCTION  
 POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
\$7.50	.35	.40		.02	

Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator-all types; Boat Operator; Boilers-2; Central Mix Concrete Plant Operator; Glamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine, Rotary, Self-propelled; High-loader; Hoisting Engine-2 or more selective drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mocking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane

A-Frame; Asphalt Roller Operator; Asphalt Plant Operator; Backfiller Operator; Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mix Operator, Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork Lift; Greaser-Fleet; Hoisting Engine-1; Locomotive Operator-narrow gauge; Multiple Compactor; Pavement Breaker; Powerbroom-self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator-2; Winch Truck

AP-505 P. 11

(2-2)

MO. 5-PEO-2,3

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Oth.
	H & W	Pensions	Vacation	App. Tr.		

POWER EQUIPMENT OPERATORS (cont'd)

Boilers-1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator -1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Fireman on Asphalt plants, drum or boiler; Ullmac, Utric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)

Oilor  
Dragline Operator-3 yds. & over; Shovel -3 yds. & over; Clamshell-3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums

Scoop Operator, tandem; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Oth.
	H & W	Pensions	Vacation	App. Tr.		

General Labor  
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Leading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.  
First Semi-Skill  
Air Tool Operator; Cement Handler-Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffin Dams; Riprap Pavers-Rock; Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in Connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (Paving only); Steam Blower Nozzleman.

Second Semi-Skill  
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abatement and Pier Hole Men working six (6) feet or more below ground; Men working in Coffin Dams for Bridge Piers and Footings in the River.

AP-505 P. 12

MO. 2,3 - LAB - 2,3

(1-2)

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Oth.
	H & W	Pensions	Vacation	App. Tr.		

General Labor  
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Leading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.  
First Semi-Skill  
Air Tool Operator; Cement Handler-Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffin Dams; Riprap Pavers-Rock; Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in Connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (Paving only); Steam Blower Nozzleman.

Second Semi-Skill  
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abatement and Pier Hole Men working six (6) feet or more below ground; Men working in Coffin Dams for Bridge Piers and Footings in the River.

AP-505 P. 13

Fig. 25 - 1/10 - 7,3 (2-2)

JANUARY (Cont'd)

Third Semi-Skill  
 Laser Man; Asphalt Baker; Barco  
 Taper; Jackson or any other similar  
 Tamp; Mason Driller; Churn Drille;  
 Air Track Drills; All other similar  
 Drills; Cutting Torch Man; Form  
 Setters; Liners and Stryplings Men on  
 Concrete Paving, Cub, Settlers, etc.;  
 Hot Plastic Kettlemen; Hot Tar  
 Applicator; Hand Blade Operators; Man-  
 hole Builder Helpers and Mortar Men  
 on Brick or Block Vasticles; Sand  
 Blasting and Sumite Bozzle Men;  
 Rubbing Concrete; Air Tool Operator in  
 Tunnels; Caulker and Lead Man; Screed  
 Man on Asphalt Machine; Chain or Con-  
 crete Saw; Cliff Scalers working from  
 Scaffolds, Bosons, Chairs or Platforms  
 on Dars or Power Plants over Ten (10)  
 Feet above Ground; Grade Checker on  
 Cuts and Fills.

Fourth Semi-Skill  
 Marble Builders-Brick or Block;  
 Dynamite and Powder Men; Welder

Basic Hourly Rates	Fringe Benefit Payments				Diner
	H & V	Fansions	Vacation	Ass. Tr.	
\$7.025	.30	.40		.10	
7.275	.30	.40		.10	

AP-229, P. 2

SUPERSIDES DECISION

COUNTIES: Eastern Counties-Blaine-Carter-  
Custer-Daniels-Dawson-fallon-  
Garfield-McCone-Petroleum-  
Phillips-Powder River-Prairie-  
Richland-Roosevelt-Sheridan-  
Valley-Hibaux

STATE: Montana  
DECISION NUMBER: AP-229  
Supersedes Decision #AM-2,522,  
dated August 27, 1971, in  
36 FR 17109

DATE: Date of Publication

DESCRIPTION OF WORK: Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
	H & W	Festivals	Vacation	App. Tr.		
\$6.01	.30	.35	.01	.01		
6.26	.30	.35	.01	.01		
6.16	.30	.35	.01	.01		
5.50	.20					
5.65	.20					
6.88	.35	.50	.04	.04		
6.43	.25	1%	3/4%	3/4%		
6.10	.25	1%	1/2%	1/2%		
5.61	.25	1%	3/4%	3/4%		
4.64	.25	1%	3/4%	3/4%		
6.24	.25	1%	3/4%	3/4%		
5.54	.25	1%	3/4%	3/4%		
4.39	.25	1%	3/4%	3/4%		
3.91	.25	1%	3/4%	3/4%		

CARPENTERS:

Carpenters  
Millwrights  
Saw filers; Piledrivers; Carpen-  
ters on charred and creosote wood  
CEMENT MASONS:  
Cement masons  
Grinder; Bash hammer & Clipping fan  
Preparing finished surface; Epoxy

IRONWORKERS:

Fence erectors, Reinforcing,  
Structural  
LINE CONSTRUCTION  
(Jobs over 69,000 volts)  
Cable splicer  
Linemen; Pole sprayer  
Line equipment op.; Powderman  
Groundmen  
(Jobs 69,000 volts or less)  
Cable splicer  
Line equipment op.; Powderman  
Experienced groundmen (2 yrs.);  
Truck drivers  
Groundmen; Pole digger (groundmen)

LABORERS:

AVEMAN; Car, Truck Loader, Scissorman;  
Chuck tender, Nipper (above ground);  
Dumpman (Spotter); Fence Erectors;  
Flagman; General Laborers; Form Strip-  
per; Landscape Laborer; Pilot Car;  
Kiprap Helper; Sandblaster Tailhoose  
Man; Pot Tender; Scaleman (weighing  
trucks); Tool Checker, Toolhouseman;  
Cosmolene, applying & removing; Heater  
Tender; Sod Cutter (hand operated);  
Carpenter tender; Switchman

HAND FALLER

CONCRETE; ASPHALT SAMS; Curb Machine;  
Form Setter; Nozzelman; Air, Water,  
Gumite, Placo Machine; Powderman  
Helper; Sandblaster; Stake Jumper for  
equipment; Scalemen; Pipewrappier;  
Powderman

ASPHALT MAKER; Caisson Workers (Free  
Air); Cement Handlers (bulk); Cement  
Mason tender; Choker Setters; Concrete  
Laborers (wet, dry); Bucketman, Sig-  
nalman; Creosote Material Handler,  
Epoxy, Other Chemically injurious Ma-  
terial; Dumpman (grademan); Jackham-  
mer, Pavement Breaker, Wagon Driller,  
Concrete Vibrator, Mechanical Tamper,  
Cat, Truck Mounted Air Operated  
Drills; Power driven wheelbarrow; Vi-  
brating roller hand steered and other  
air Tools; Pipelayer (all types);  
Spike driver single or dual or hand;  
Riprappier; Rodder, Spreader (con-  
crete); Post hole digger (Power auger)

HIGH PRESSURE MACHINE NOZZLEMAN

TAR POT OPERATOR

DRILLS, AIR-TRACT, SELF-PROPELLED;  
GRADE SETTER

RUGGER

Basic Hourly Rates	H & W	Fringe Benefits Payments			App. Tr.
		Festivals	Vacation	App. Tr.	
4.89	.35	.25	.03	.03	
4.97	.35	.25	.03	.03	
4.99	.35	.25	.03	.03	
5.05	.35	.25	.03	.03	
5.09	.35	.25	.03	.03	
5.14	.35	.25	.03	.03	
5.15	.35	.25	.03	.03	
5.20	.35	.25	.03	.03	

NOTICES

AP-229 P. 4

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
\$5.93	.45	.45		.02
5.96	.45	.45		.02
5.99	.45	.45		.02
6.00	.45	.45		.02
6.01	.45	.45		.02
6.06	.45	.45		.02
6.14	.45	.45		.02
6.17	.45	.45		.02
6.18	.45	.45		.02

POWER EQUIPMENT OPERATORS:

- CRUSHER CONVEYOR; Farm type tractor, up to & incl., 50 HP engine; Grade setter
- CRUSHER OILER & HELPER; Field equipment serviceman helper; Hot plant oiler, 100 ton per hr. or over; Mechanic and/or welder helper on job
- Oiler other than shovels & cranes; Shovel oiler, 3 cy and under; Washing and screening plant oiler
- CONCRETE BATCH PLANT OILER, UP TO & INCL. 2 MIXERS
- AIR COMPRESSOR, SINGLE; Pumpman
- FARM TYPE TRACTOR, OVER 50 HP ENGINE; Herman Nelson heater & similar types
- CRANE OILER; Oiler-driver, rubber-tired crane
- CONVEYOR LOADER, UP TO & INCL. 42" BELT
- ROCKING MACHINE, JETT, PICKUP OR FARM TRACTOR MOUNTED; Concrete mixer, 3 bags & under; Fireman; Heavy duty drills, helper; Retort op.
- BROOM, SELF-PROPELLED
- AIR COMPRESSOR, 2 OR MORE; Belt finishing machine; Conveyor loader, over 42" belt; Roller, on other than hot mix oil, paving
- RUBBER-TIRED FRONTEND LOADERS, 1 CY & UNDER

AP-229 P. 3

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
5.25	.35	.25		.03
5.35	.35	.25		.03
5.45	.35	.25		.03
5.49	.35	.25		.03
6.04	.35	.25		.03

LABORERS: (CONT'D)

- DRILLS, AIR-TRACT, WITH DUAL MASTS; High scaler
- DRILLS, AIR-TRACT, self-propelled, Mustang type or similar
- POWER SAW (bucking) & (falling)
- CORE DRILL OPERATOR
- WELDER

AP-229 P. 5

AP-229 P. 6

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.		Others	H & W	Pensions	Vacation
6.19	.45	.45	.02	.02	6.47	.45	.45	.02	.02
6.23	.45	.45	.02	.02	6.55	.45	.45	.02	.02
6.24	.45	.45	.02	.02	6.57	.45	.45	.02	.02
6.26	.45	.45	.02	.02	6.59	.45	.45	.02	.02
6.28	.45	.45	.02	.02	6.60	.45	.45	.02	.02
6.30	.45	.45	.02	.02	6.63	.45	.45	.02	.02
6.31	.45	.45	.02	.02	6.65	.45	.45	.02	.02
6.37	.45	.45	.02	.02	6.67	.45	.45	.02	.02
6.39	.45	.45	.02	.02	6.69	.45	.45	.02	.02

POWER EQUIPMENT OPERATORS' CONT'D:

CHAIN BUCKET LOADER; Chip gravel spreader, self-propelled; DM 10, 15, 20 tractor pulling roller  
 CONCRETE MIXER, 4 BAGS & OVER  
 FORK GRADER; Hoist, single drum  
 CEMENT SILO  
 FORKLIFT, ON CONSTRUCTION SITE  
 CONCRETE BATCH PLANT OILER, 3 MIXERS AND OVER  
 A-FRAME TRUCK, CRANE, WINCH TRUCK AND SIMILAR  
 HYDRA-LIFT AND SIMILAR TYPES; Oiler, hoist house, dams; Whirley crane oiler  
 FIELD EQUIPMENT SERVICEMAN  
 AIR DOCTOR; Asphalt paving machine; Asphalt paving machine, screed; Bit Grinder; Bitum, mixer paving, travel plane; Boring machine, large; Concrete batch plant, 1 and 2 mixers; Concrete finishing machine, paving; Concrete bucket dispatcher; Concrete curing machine; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher op.; Distributor; Elevating Grader; Grindall; Heavy duty drills, all types; Hoist, 2 or more drums; Hot plant op.; Hot plant fireman; Industrial locomotive, all types; Mountain logger or similar type; Mucking machine; Pavement breaker; Penco and similar; Power auger large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Rammer or ground machine; Push tractor; Refrigerator plant, roller, on blade or hot mix oil paving; Roller, 25 ton or over; Run and similar type carriers on construction site; Rubber-tired crawler;

POWER EQUIPMENT OPERATORS' CONT'D:

Rubber-tired frontend loader, over 1 cy to & incl. 3 cy; Scraper DM 15, 20, 21 & similar type if power unit is not used; Self-propelled sheeps foot & similar type; Shovels, incl. all attachments, under 1 cy; Track-type frontend loader, up to & incl. 5 cy; Track-type tractor with or without attachments; Trenching machine; Turnhead conveyor or head tower on batch plant; Wagner roller & similar type; Water pull when used for compaction; Washing and screening plant  
 MIZEMOBILE  
 MECHANIC AND/OR WELDER ON JOB  
 RUBBER-TIRED FRONTEND LOADER, OVER 3 CY TO & INCL. 5 CY  
 AUTOMATIC FINERGRADER, GURRIES AND OTHER SIMILAR TYPES; Motor patrol; paving mixing machine; Scraper, single engine; Slip form paver  
 CRANE, UP TO & INCL. 80' BOOM WITH JTB  
 ELECTRIC OVERHEAD CRANES; Shovels, incl. all attachments, 1 cy to & incl. 3 cy; Track-type tractor, on euclid loader  
 CONCRETE BATCH PLANT, 3 AND 4 MIXERS  
 RUBBER-TIRED FRONTEND LOADER, OVER 5 CY TO & INCL. 10 CY  
 SCRAPER, TWIN ENGINE; Track-type frontend loader, over 5 cy to & incl. 10 cy  
 CENTRAL MIXING PLANTS, CONCRETE DAMS & STATIONARY  
 QUAD CAT  
 CRANE, 81' TO 130' BOOM

AP-229 P. 7

AP-229 P. 8

Basic Hourly Rates	Fringe Benefits Payments			App. To	Gr.
	H & W	Vacation	Pensions		
6.79	.45	.45	.45	.02	
6.80	.45	.45	.45	.02	
6.83	.45	.45	.45	.02	
6.85	.45	.45	.45	.02	
6.87	.45	.45	.45	.02	
6.88	.45	.45	.45	.02	
6.89	.45	.45	.45	.02	
6.90	.45	.45	.45	.02	
6.92	.45	.45	.45	.02	
6.96	.45	.45	.45	.02	
6.97	.45	.45	.45	.02	
6.98	.45	.45	.45	.02	
7.00	.45	.45	.45	.02	
7.05	.45	.45	.45	.02	

Basic Hourly Rates	Fringe Benefits Payments			App. To	Gr.
	H & W	Vacation	Pensions		
5.80	.45	.30	.30		
5.88	.45	.30	.30		
5.96	.45	.30	.30		
6.04	.45	.30	.30		
5.73	.45	.30	.30		
5.55	.45	.30	.30		
5.68	.45	.30	.30		
5.84	.45	.30	.30		
6.00	.45	.30	.30		
5.55	.45	.30	.30		
5.55	.45	.30	.30		
5.68	.45	.30	.30		
5.84	.45	.30	.30		
5.98	.45	.30	.30		
6.04	.45	.30	.30		
6.10	.45	.30	.30		
6.16	.45	.30	.30		
6.22	.45	.30	.30		
6.28	.45	.30	.30		
5.68	.45	.30	.30		
6.04	.45	.30	.30		
6.10	.45	.30	.30		

POWER EQUIPMENT OPERATORS CONT'D:

RUBBER-TIRED FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY  
 TRACK-TYPE FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY  
 CRANE, 131' TO 150' BOOM  
 SCRAPER, SINGLE OR TWIN ENGINE, PULLING BELLY DUMP TRAILER  
 CONCRETE BATCH PLANT, 5 MIXERS AND OVER  
 CRANE, 151' BOOM & OVER  
 RUBBER-TIRED FRONTEND LOADER, OVER 15 CY (Factory rating not to include sidebooms)  
 TRACK-TYPE FRONTEND LOADER, OVER 15 CY  
 SHOVEL, INCL. ALL ATTACHMENTS, OVER 3 CY TO & INCL. 5 CY; Stiff leg derrick and guy derrick  
 SCRAPER, TANDY ENGINE  
 HELICOPTER HOIST  
 CABLEWAY HIGHLINE  
 WHIRLEY CRANE  
 SHOVELS, INCL. ALL ATTACHMENTS, OVER 5 CY

TRUCK DRIVERS

COMBINATION TRUCK; Concrete Mixer & Transit Mixer:  
 To & incl. 4 cu. yds.  
 Over 4 cu. yds. to & incl. 6 cu. yds.  
 Over 6 cu. yds. to & incl. 8 cu. yds.  
 Over 8 cu. yds. to & incl. 10 cu. yds.  
 Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment  
 DISTRIBUTOR DRIVER & HELPER  
 DRY BATCH TRUCKS:  
 3 Batch or under  
 Over 3 Batch to & incl. 5 Batch  
 Over 5 Batch to & incl. 10 Batch  
 Over 10 Batch to & incl. 15 Batch  
 Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment  
 DUMPMAN, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters & Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter  
 BUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:  
 7 cu. yds. or less  
 Over 7 cu. yds. to & incl. 10 cu. yds.  
 Over 10 cu. yds. to & incl. 15 cu. yds.  
 Over 15 cu. yds. to & incl. 20 cu. yds.  
 Over 20 cu. yds. to & incl. 25 cu. yds.  
 Over 25 cu. yds. to & incl. 30 cu. yds.  
 Over 30 cu. yds. to & incl. 35 cu. yds.  
 Over 35 cu. yds. to & incl. 40 cu. yds.  
 Over 40 cu. yds. to & incl. 45 cu. yds.  
 Over 45 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment  
 DUMPSTERS  
 DM 20, DM 21, or EUCLID TRACTORS, PULLING P.H. 21 or SIMILAR DUMP WAGONS:  
 To & incl. 25 cu. yds.  
 Over 25 cu. yds. to & incl. 30 cu. yds.  
 Over 30 cu. yds. - additional \$.06 per hour each additional 5 cu. yd. increment

AP-229 P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & V	Pensions	Vacation	App. Tr.
SERVICEMEN	\$6.29	.45	.30		
POWDER TRUCK DRIVER (bulk unloader type)	5.73	.45	.30		
FLAT TRUCKS: To & incl. 3 Tons	5.55	.45	.30		
Over 3 tons Factory rating	5.90	.45	.30		
FUEL TRUCK; SERVICE TIRKEMEN	6.02	.45	.30		
LOHMOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	5.90	.45	.30		
LUMBER CARRIERS, LIFT TRUCKS; Power Broom	5.64	.45	.30		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gals & under	5.55	.45	.30		
Over 2,500 gals to & incl. 4,500 gals	5.84	.45	.30		
Over 4,500 gals to & incl. 6,000 gals	6.04	.45	.30		
Over 6,000 gals to & incl. 8,000 gals	6.10	.45	.30		
Over 8,000 gals to & incl. 10,000 gals	6.18	.45	.30		
Over 10,000 gals - additional \$.08 per hour each additional 2,000 gals increment					
WINCH, A-FRAME, SWEDISH CRANE, HYDRA- LIFT, GROUTCRETE, & COMBINATION MULCHING, SEEDING & FERTILIZING	5.80	.45	.30		
TRUCK MECHANIC	6.29	.45	.30		
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL					

STATE: Montana  
 DECISION NUMBER: AP-230  
 Supercedes Decision #AM-2,525,  
 dated August 27, 1971, in  
 36 PR 17113

COUNTIES: Western Counties-Beaverhead-Big  
 Horn-Broadwater-Carbon-Cascade-  
 Chouteau-Deerlodge-Fergus-  
 Flathead-Gallatin-Glacier-  
 Golden Valley-Granite-Hill-  
 Jefferson-Judith Basin-Lake-  
 Lewis & Clark-Liberty-Lincoln-  
 Madison-Meagher-Mineral-Missoula-  
 Musselshell-Park-Ponders-Powell-  
 Ravalli-Rosebud-Sanders-Silver-  
 Spivey-Stillwater-Sweetgrass-Teton-  
 Toole-Treasure-Yellowstone  
 DATE: Date of Publication

DESCRIPTION OF WORK: Heavy and Highway Construction

DESCRIPTION OF WORK	Basic Hourly Rates	Fringe Benefits Payments				Others
		H & W	Pensions	Vacation	App. Tr.	
(Flathead-Lincoln-Lake)						
LINE CONSTRUCTION						
All construction of "H" fixture and steel tower transmission lines with capacity of 69 KV voltages and switch yard and sub-station rated at 2000 KVA.	\$7.05	1%	1%	1%		
CABLE SPLICER						
CERTIFIED WELDER; HEAVY LINE EQUIPMENT MAN; JOURNEYMAN LINEMAN	6.36	1%	1%	1%		
LINE EQUIPMENT OPERATOR	5.48	1%	1%	1%		
HEAD GROUNDMAN; JACKHAMMER-COMPRESSOR-MAN; POWDERMAN	4.79	1%	1%	1%		
GROUNDMAN	4.53	1%	1%	1%		
CARPENTERS:						
Carpenters	6.01	.35	.35	.35	.01	
Millwrights	6.26	.35	.35	.35	.01	
Saw filer; Piledrivermen; Carpenters on charred or creosoted wood	6.16	.35	.35	.35	.01	
CEMENT MASONS:						
(Fergus-Hill-Musselshell-Rosebud & Treasure)						
Cement masons	5.50	.20	.20	.20		
Grinder; Bash hammer; Clipping fan preparing finished surface; Epoxy	5.65	.20	.20	.20		
CEMENT MASONS:						
(Remaining Counties)						
Cement masons	5.75	.20	.20	.20		
Grinder; Bash hammer; Clipping fan preparing finished surface; Epoxy	5.90	.20	.20	.20		

IRONWORKERS:  
 (Flathead-Glacier-Lake-Lincoln-Mineral-Missoula-Sanders)  
 Reinforcing  
 Fence erectors-Structural  
 IRONWORKERS:  
 (Beaverhead-Broadwater-Deerlodge-Gallatin-Granite-Jefferson-Lewis & Clark (So. & incl. Wolf Creek)-Madison-Park-Powell-Ravalli-Silver Box)  
 Fence erectors-Reinforcing-Structural  
 IRONWORKERS:  
 (Remainder of Counties)  
 PAINTERS:  
 (Cascade-Chouteau-Glacier-Judith Basin-Lewis & Clark-Ponders-Teton-Toole)  
 Brush on steel  
 Spray-Sandblasting  
 PAINTERS:  
 (Lake-Mineral-Missoula-Powell-Granite Ravalli-Sanders)  
 Brush & Spray  
 PAINTERS:  
 (Beaverhead-Broadwater-Jefferson-Madison-Silver Box)  
 Work over 30 ft.  
 Spray-Sandblasting  
 PAINTERS:  
 (Big Horn-Carbon-Golden Valley-Musselshell-Rosebud-Stillwater-Treasure-Heatland-Yellowstone)  
 Brush  
 Steel  
 Spray

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
7.38	.43	.40		.03	
7.38	.43	.40		.03	
6.95	.35	.50			
6.88	.35	.50			.04
5.80	.16				
7.55	.16				
5.66	.30	.15			
5.44	.13	.10			
7.41	.13	.10			
5.24	.21	.20			
5.49	.21	.20			
5.62	.21	.20			

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Dr.
	H & M	Fees/inst	Vacation		
5.12	.35	.25		.03	
5.04	.35	.25		.03	
5.29	.35	.25		.03	
5.35	.35	.25		.03	
6.04	.35	.25		.03	

LABORERS (cont'd):

HAND FALLER

APRONS; CAR & TRUCK LOADERS, SCISSORMAN; Chuck Tender & Mipper (above ground); Cosmoline applying & removing; Dumpman (spotter); Fence Erector & Installer (Incl. the Installation & Erection of fences, guard rails, median rails, reference posts, guide posts, & right-of-way markers); Form Stripper; General Laborer; Land-seape Laborer; Pilot Car; Riprap Helper; Scalerman (weighing trucks); Sandblaster, Tailhose Man, Pot Tender; Stake Jumper for Equipment; Flagman; Tool Checker; Toolhouseman; Heater tender; Sod cutter (hand operated); Carpenter tender

CONCRETE VIBRATOR (5" & over)

DRILLS, AIR-TRACT, self-propelled, MUSTANG type & similar

WELDER

AP-230 P. 3

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Other
	H & M	Fees/inst	Vacation		
5.64	.35	.25		.03	
5.60	.35	.25		.03	
5.40	.35	.25		.03	
5.30	.35	.25		.03	
5.22	.35	.25		.03	
5.20	.35	.25		.03	
5.14	.35	.25		.03	

LABORERS:

CORE DRILL OPERATOR

POWDERMAN

DRILLS, AIR-TRACT with Deal Masts; High Sealer

DRILLS, AIR-TRACT, self-propelled cat or truck mounted air operated drills; Grade setter; power saw (Falling)

HIGH PRESSURE MACHINE NOZZLEMAN

ASPHALT MAKER, CAISSON WORKERS (Free Air); Cement Handlers; Choker Setter; Concrete Laborers (wet or dry); Buckstran & Signalman; Dumpman (Gradsman); Jackhammer; Pavement Breaker; Wagon Driller, Concrete Vibrator, Mechanical Tamper, Cat or Truck Mounted Air Operated Drills, Vibrating Roller-hand steered, & other Air Tools; Pipelayer (all types); Pipetrapper; Ripraper; Rodder & Spreader (Concrete); Cement mason tender; Power saw (Backing); Scalerman; Rigger; Spice driver, single or dual or hand, Switchman

CONCRETE, or ASPHALT Saws; Curb Machines; Form Setter; Normal-Air & Water, Gunite & Placo Machine; Post Hole Digger (Power Auger); Powderman Helper; Power-Driven Wheelbarrow; Sandblaster; Tar Pot Operator

AP-230, P. 6

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & V	Fansions	Vacation	
6.19	.45	.45	.02	.02
6.23	.45	.45	.02	.02
6.24	.45	.45	.02	.02
6.26	.45	.45	.02	.02
6.28	.45	.45	.02	.02
6.30	.45	.45	.02	.02
6.31	.45	.45	.02	.02
6.37	.45	.45	.02	.02
6.39	.45	.45	.02	.02

**POWER EQUIPMENT OPERATORS' CONT'D:**

CHAIN BUCKET LOADER; Chip gravel spreader, self-propelled; DM 10, 15, 20 tractor pulling roller  
 CONCRETE MIXER, 4 BAGS & OVER  
 FOMY GRADER; Hoist, single drum  
 CEMENT SILO  
 FORKLIFT, ON CONSTRUCTION SITE  
 CONCRETE BATCH PLANT OILER, 3 MIXERS AND OVER  
 A-FYANE TRUCK, CRANE, WINCH TRUCK AND SIMILAR  
 RUDALIFT AND SIMILAR TYPES; Oiler, hoist house, dams; Nudrley crane oiler  
 FIELD EQUIPMENT SERVICEMAN  
 AIR DOCTOR; Asphalt paving machine; Asphalt paving machine, screed; Bit grinder; Bitum, mixer paving, travel plant; Poring machine, large; Concrete batch plant, 1 and 2 mixers; Concrete finishing machine, paving; Concrete bucket dispatcher; Concrete curing machine; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel hatcher; Crusher op.; Distributor; Elevating Grader; Gradeall; Heavy duty drills, all types; Hoist, 2 or more drums; Hot plant op.; Hot plant fireman; Industrial locomotive, all types; Mountain logger or similar type; Macking machine; Pavement breaker, Besco and similar; Power auger large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumperete or prout machine; Push tractor; Refrigerator plant; Rollery on blade or hot mix oil paving; Roller, 25 ton or over; Ross and similar type carriers on construction site; rubber-tired dozer;

AP-230, P. 5

(Flathead-Lake-Lincoln-Mineral-Missoula-Bavalli-Sanders-Glacier National Park-Northern Half of Powell Co.)

**POWER EQUIPMENT OPERATORS:**

CRUSHER CONVEYOR; Farm type tractor, up to & incl. 50 HP engine; Grade setter  
 CRUSHER OILER & HELPER; Field equipment serviceman helper; Hot plant oiler, 100 ton per hr. or over; Mechanic and/or welder helper on job; Oiler other than shovels & cranes; Shovel oiler, 3 cy and under; Washing and screening plant oiler  
 CONCRETE BATCH PLANT OILER, UP TO & INCL. 2 MIXERS  
 AIR COMPRESSOR, SINGLE; Pumpman  
 FARM TYPE TRACTOR, OVER 50 HP ENGINE; Herman Nelson heater & similar types  
 CRANE OILER; Oiler-driver, rubber-tired cranes  
 CONVEYOR LOADER, UP TO & INCL. 42" BELT  
 BORING MACHINE, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete mixer, 3 bags & under; Fireman; Heavy duty drills, helper; Retort op.  
 BROOM, SELF-PROPELLED  
 AIR COMPRESSOR, 2 OR MORE; Belt finishing machine; Conveyor loader, over 42" belt; Roller, on other than hot mix oil, paving  
 RUBBER-TIRED FRONTEND LOADERS, 1 CY & UNDER



AP-230 P. 10

AP-230 P. 9

(Southern Half of Powell County and the Remaining Counties)

POWER EQUIPMENT OPERATORS' CONT'D:

Basic Hourly Rates	Fringe Benefits Payments				Deter.
	H & V	Vacation	App. Tr.	Dis.	
\$5.93	.45	.45	.02		
5.96	.45	.45	.02		
5.99	.45	.45	.02		
6.00	.45	.45	.02		
6.01	.45	.45	.02		
6.04	.45	.45	.02		
6.05	.45	.45	.02		
6.06	.45	.45	.02		
6.14	.45	.45	.02		
6.17	.45	.45	.02		
6.18	.45	.45	.02		

CRUSHER CONVEYOR; Farm type tractor, up to & incl., 50 HP engine; Grade setter

CRUSHER OILER & HELPER; Field equipment serviceman helper; Hot plant oiler, 100 ton per hr. or over; Mechanic and/or welder helper on job; Oiler other than shovels & cranes; Shovel oiler, 3 cy and under; Washing and screening plant oiler

CONCRETE BATCH PLANT OILER, UP TO & INCL. 2 MIXERS

AIR COMPRESSOR, SINGLE; Pumpjack

FARM TYPE TRACTOR, OVER 50 HP ENGINE; Farmhand Nelson heater & similar types

CRANE OILER; Oiler-driver, rubber-tired cranes

CONVEYOR LOADER, UP TO & INCL. 42" BELT

BORING MACHINE, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete mixer, 3 bags & under; Fireman; Heavy duty drills, helper; Retort op.

BRCM, SELF-PROPELLED

AIR COMPRESSOR, 2 OR MORE; Belt finishing machine; Conveyor loader, over 42" belt; Roller, on other than hot mix oil, paving

PUMPER-TIRED FRONTEND LOADERS, 1 CY & UNDER

POWER EQUIPMENT OPERATORS' CONT'D:

Basic Hourly Rates	Fringe Benefits Payments				Deter.
	H & V	Vacation	App. Tr.	Dis.	
6.19	.45	.45	.02		
6.23	.45	.45	.02		
6.24	.45	.45	.02		
6.26	.45	.45	.02		
6.28	.45	.45	.02		
6.30	.45	.45	.02		
6.31	.45	.45	.02		
6.37	.45	.45	.02		
6.39	.45	.45	.02		

CHAIN BUCKET LOADER; Chip gravel spreader, self-propelled; DN 10, 15, 20 tractor pulling roller

CONCRETE MIXER, 4 MGS & OVER

FOUR GRADER; Hoist, single drum

CEMENT SILD

FORKLIFT, ON CONSTRUCTION SITE

CONCRETE BATCH PLANT OILER, 3 MIXERS AND OVER

A-TYRE TRUCK, CRANE, WINCH TRUCK AND SIMILAR

HYDRA-LIFT AND SIMILAR TYPES; Oiler, hoist hoist, dams; Whirley crane oiler

FIELD EQUIPMENT SERVICEMAN

AIR DOCTOR; Asphalt paving machine; Asphalt paving machine, screed; Bit grinder; bitum, mixer paving, travel plants; Boring machine, large; Concrete batch plant, 1 and 2 mixers; Concrete finishing machine, paving; Concrete bucket dispatcher; Concrete curing machine; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher op.; Distributor; Elevating grader; Gradall; Heavy duty drills, all types; Hoist, 2 or more drums; Hot plant op.; Hot plant fireman; Industrial locomotive, all types; Mountain logger or similar type; Working machine; Pavement breaker, Marco and similar; Power auger later; Tractor or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Powercrete or grout machine; Push tractor; Refractory plate; Roller, on blade or hot mix oil paving; Roller, 25 ton, or over; Road and similar type carriers on construction site; Rubber-tired dozer;

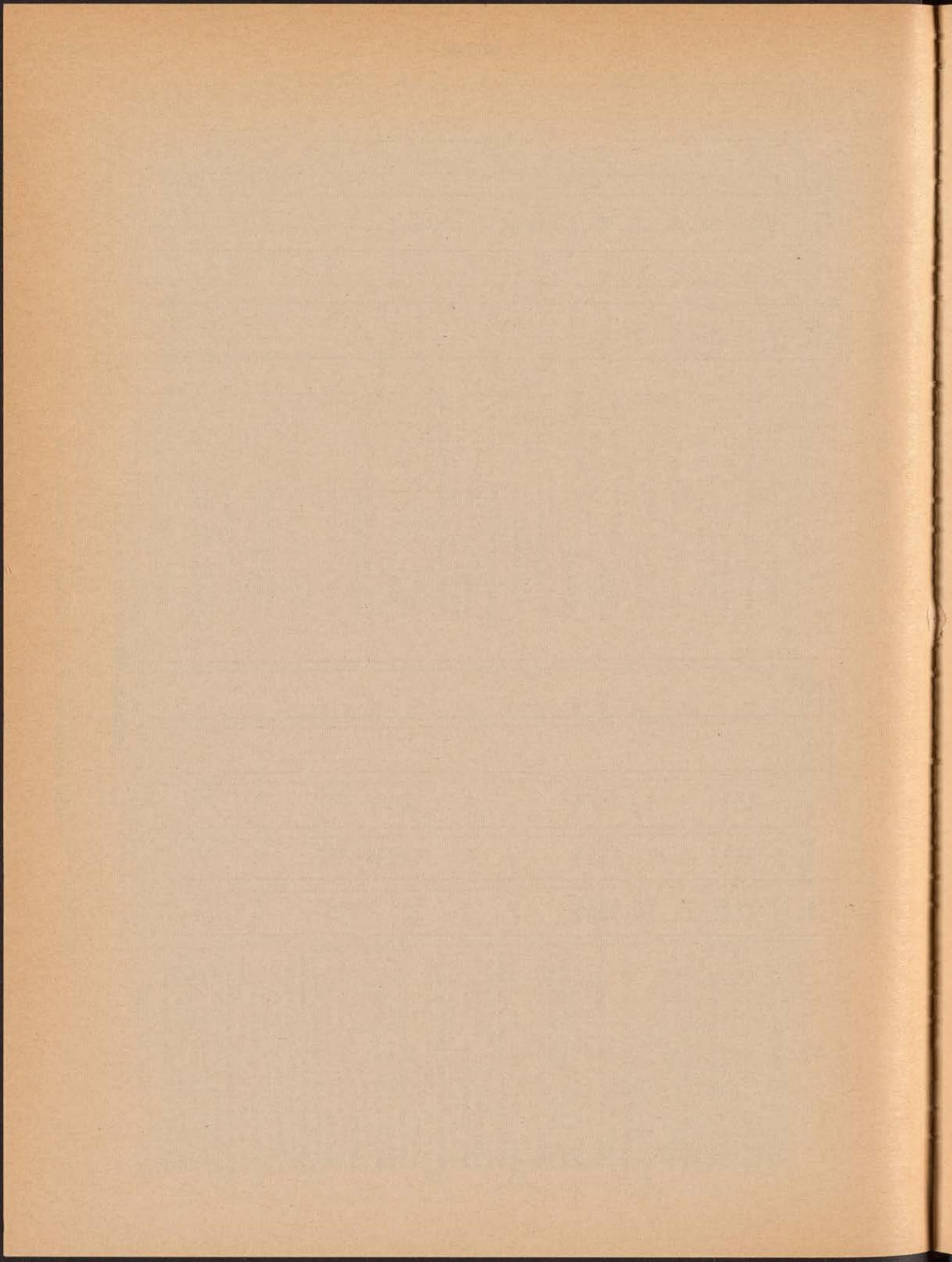


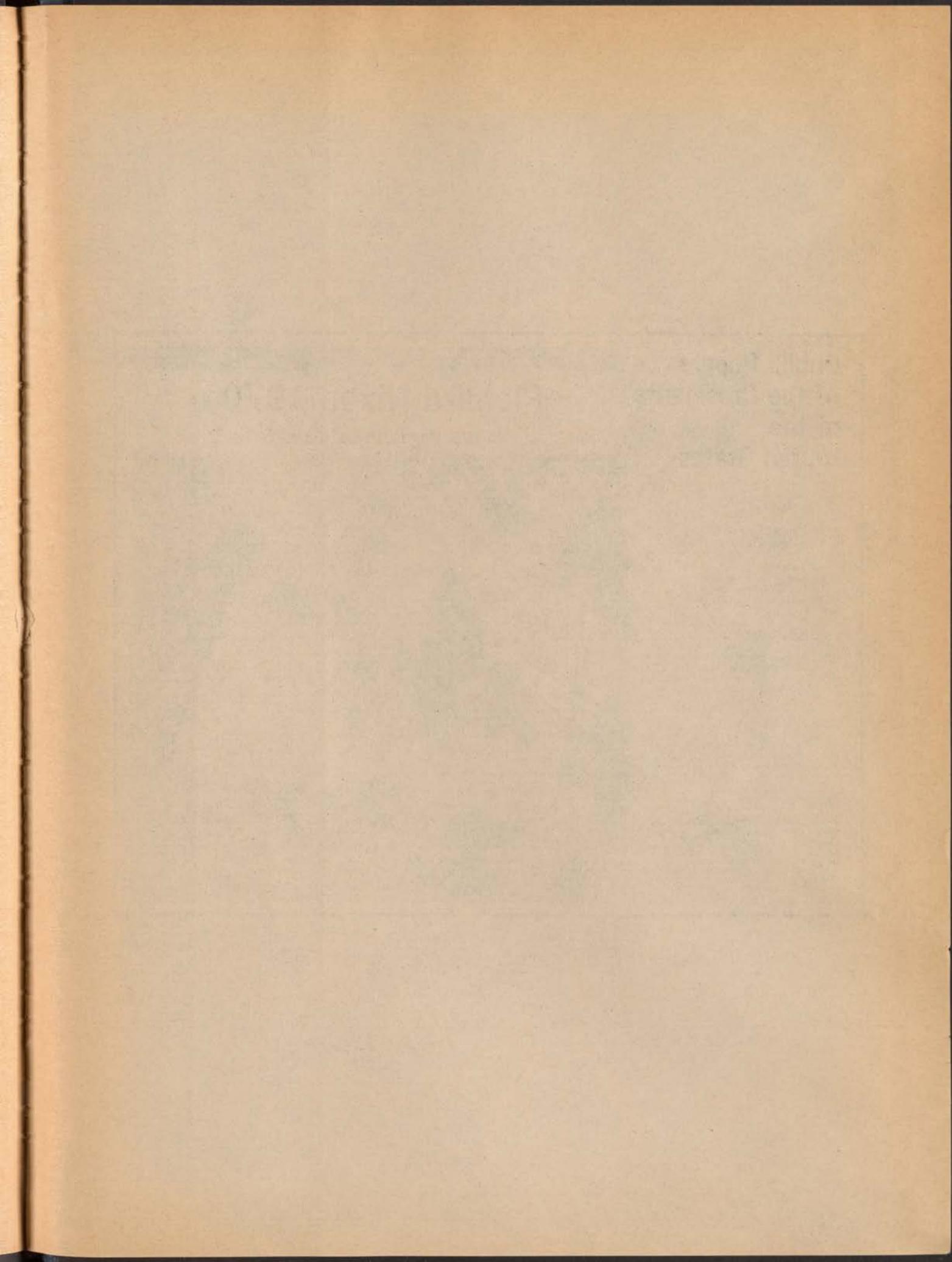
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AP-230 P. 13

Description	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Prorated	Vacation		H & W	Prorated	Vacation
<b>TRUCK DRIVERS</b>							
COMBINATION Truck; Concrete Mixer & Transit Mixer: To & incl. 4 cu. yds. Over 4 cu. yds. to & incl. 6 cu. yds. Over 6 cu. yds. to & incl. 8 cu. yds. Over 8 cu. yds. to & incl. 10 cu. yds. Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment	.45 .45 .45 .45	.30 .30 .30 .30		\$5.80 5.88 5.96 6.04	.45 .45 .45 .45	.30 .30 .30 .30	
DISTRIBUTOR DRIVER & HELPER	.45	.30		5.73	.45	.30	
DRY-BATCH TRUCKS: 3 Batch or under Over 3 Batch to & incl. 5 Batch Over 5 Batch to & incl. 10 Batch Over 10 Batch to & incl. 15 Batch Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment	.45 .45 .45 .45	.30 .30 .30 .30		5.55 5.68 5.84 6.00	.45 .45 .45 .45	.30 .30 .30 .30	
IRONMAN, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters & Helpers; Warehousemen, Portermen, Cardex men, Warehouse Expediter	.45	.30		5.55	.45	.30	
BUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEWALKS: 7 cu. yds. or less Over 7 cu. yds. to & incl. 10 cu. yds. Over 10 cu. yds. to & incl. 15 cu. yds. Over 15 cu. yds. to & incl. 20 cu. yds. Over 20 cu. yds. to & incl. 25 cu. yds. Over 25 cu. yds. to & incl. 30 cu. yds. Over 30 cu. yds. to & incl. 35 cu. yds. Over 35 cu. yds. to & incl. 40 cu. yds. Over 40 cu. yds. to & incl. 45 cu. yds. Over 45 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment	.45 .45 .45 .45 .45 .45 .45 .45	.30 .30 .30 .30 .30 .30 .30 .30		5.55 5.68 5.84 5.98 6.04 6.10 6.16 6.22 6.28	.45 .45 .45 .45 .45 .45 .45 .45	.30 .30 .30 .30 .30 .30 .30 .30	
BUMPSTERS	.45	.30		5.68	.45	.30	
18, 20, 24, 21, or ENGLID TRACTORS, BUILDING P.L. 21 or SIMILAR BUMP MACHINES: To & incl. 25 cu. yds. Over 25 cu. yds. to & incl. 30 cu. yds. Over 30 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment	.45 .45	.30 .30		6.04 6.10	.45 .45	.30 .30	
SERVICEMEN	.45			\$5.29	.45		
POUNDER TRUCK DRIVER (bulk unloader type)	.45			5.73	.45		
FIAT TRUCKS: To & incl. 3 Tons Over 3 tons factory rating	.45 .45			5.55 5.90	.45 .45		
FUEL TRUCK; SERVICE TENDER	.45			6.02	.45		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	.45			5.90	.45		
LUMBER CARRIERS, LIFT TRUCKS; Power Broom	.45			5.64	.45		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS: 2,500 gals & under Over 2,500 gals to & incl. 4,500 gals Over 4,500 gals to & incl. 6,000 gals Over 6,000 gals to & incl. 8,000 gals Over 8,000 gals to & incl. 10,000 gals Over 10,000 gals - additional \$.08 per hour each additional 2,000 gals increment	.45 .45 .45 .45 .45			5.55 5.86 6.04 6.10 6.18	.45 .45 .45 .45 .45		
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTPASTE, & COMBINATION RUBBING, SEEDING & FERTILIZING	.45			5.80	.45		
TRUCK MECHANIC	.45			6.29	.45		
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL							

[FR Doc.72-14786 Filed 8-31-72;8:45 am]





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